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general management plan
environmental assessment
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LAKE CLARK



NATIONAL PARK AND PRESERVE / ALASKA

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GENERAL MANAGEMENT PLAN
AND
ENVIRONMENTAL ASSESSMENT

LAKE CLARK NATIONAL PARK AND PRESERVE
ALASKA

ANILCA REQUIREMENTS

Section 1301 of the Alaska National Interest Lands Conservation Act (ANILCA: PL 96-487) requires the preparation of conservation and management plans for each unit of the national park system established or enlarged by ANILCA. These plans are to describe programs and methods for managing resources, proposed development for visitor services and facilities, proposed access and circulation routes and transportation facilities, programs and methods for protecting the culture of local residents, plans for acquiring land or modifying boundaries, methods for ensuring that uses of private lands are compatible with the purposes of the unit, and opportunities for mutually beneficial cooperation with other regional landowners.



NPS PLANNING DOCUMENTS

The National Park Service planning process for each park (preserve, monument, or other unit of the system) involves a number of stages, progressing from the formulation of broad objectives, through decisions about what general management direction should be followed to achieve the objectives, to formulation of detailed actions for implementing specific components of the general management plan.

The general management plan addresses topics of resource management, visitor use, park operations, and development in general terms. The goal of this plan is to establish a consensus among the National Park Service and interested agencies, groups, and individuals about the types and levels of visitor use, development, and resource protection that will occur. These decisions are based on the purpose of the park, its significant values, the activities occurring there now, and the resolution of any major issues surrounding possible land use conflicts within and adjacent to the park. The following kinds of detailed action plans are prepared concurrently with or after completion of the general management plan.

Land protection plans present approaches to private or other non-NPS lands within the boundaries of NPS units, in order to attempt to have these lands managed in as compatible a manner as possible with the planned management objectives of the park unit.

Resource management plans identify the actions that will be taken to preserve and protect natural and cultural resources. Where appropriate, one component of the environment (for example, fire management plan, river management plan, historic structure plan) may be further developed into an independent plan that becomes a part of the resource management plan.

Development concept plans establish basic types and sizes of facilities for specific locations.

Interpretive plans describe the themes and media that will be used to interpret the park's significant resources.

Wilderness suitability reviews determine which lands are suitable for inclusion in the national wilderness preservation system.

Depending largely on the complexity of individual planning efforts, action plans may or may not be prepared simultaneously with the general management plan. If they are prepared after the general plan, the NPS public involvement and cooperative planning efforts are continued until all of the implementation plans are completed.

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PART I: PURPOSE OF AND NEED FOR THE PLAN (ISSUES)

INTRODUCTION

The Lake Clark National Park and Preserve were established on December 2, 1980, by section 201(7)(a) of the Alaska National Interest Lands Conservation Act (Public Law 96-487, hereafter referred to as ANILCA). The park, containing approximately 2,439,000 acres of public land, lies 100 miles southwest of Anchorage and includes almost all of the rugged and glaciated Chigmit Mountains. The national preserve contains 1,214,000 acres of public land and adjoins the park on the south and west in an area of foothills, lakes, rivers, and tundra plains (see Boundary map).

Section 701(b) of ANILCA established a Lake Clark wilderness of 2,470,000 acres located mostly within the national park, but including some portion of the national preserve (see the Preliminary Wilderness Review map) in the "Wilderness Review" section of this document.

All federal lands within the park and preserve boundary are under the proprietary jurisdiction of the National Park Service. Both federal and state agencies have authority for enforcement of appropriate regulations.

ANILCA requires that a conservation and management plan for the park and preserve be prepared and transmitted to the Congress by December 1, 1985. The specific requirements of the plan are outlined in section 1301 of ANILCA (see appendix A).

This General Management Plan (GMP) consists of four parts: (1) a statement of the purpose of the park and preserve and of the issues requiring planning; (2) the plan, which specifies how the issues will be addressed; (3) the environmental consequences of the plan and of alternatives that were considered during the planning process; and (4) appendices.

The plan contains the overall management concept for Lake Clark National Park and Preserve and specifies the minimum requirements for management of the area over the next five to ten years following plan approval. The plan will be revised and amended as needed subject to the same public review and coordination procedures required by the National Park Service's planning guidelines and relevant requirements of ANILCA.

Action plans to implement specific portions of the plan will be prepared as necessary and be subject to the review procedures identified in the preceding paragraph. The National Park Service will maintain close coordination with the state of Alaska, Bristol Bay Native Corporation, Nondalton Native Corporation, Cook Inlet Region, Incorporated, the Alaska Land Use Council, and all other affected public and private entities in the preparation of plans for the management of Lake Clark National Park and Preserve.

PURPOSE OF LAKE CLARK NATIONAL PARK AND PRESERVE

Section 201.7(a) of ANILCA specifies that the park and preserve shall be managed for the following purposes, among others:

to protect the watershed necessary for the perpetuation of the red salmon fishery in Bristol Bay; to maintain unimpaired the scenic beauty and quality of portions of the Alaska Range and the Aleutian Range, including volcanoes, glaciers, wild rivers, lakes, waterfalls, and alpine meadows in their natural state; and to protect habitats for and populations of fish and wildlife, including, but not limited to caribou, Dall sheep, brown/grizzly bear, bald eagles, and peregrine falcons.

These specific purposes are supplemented by the general purposes of all conservation system units established under ANILCA, as defined in section 101(a), (b), (c), and (d) of the act.

Section 203 of ANILCA directs that the Lake Clark National Park and Preserve are to be administered as new areas of the National Park System pursuant to the National Park Service organic act of August 25, 1916, as amended and supplemented, and as appropriate, to section 1313 and other applicable provisions of ANILCA. The organic act states in part that "the service . . . shall promote and regulate the use of . . . national parks . . . which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." In addition, state laws will apply to various aspects of area management. Sport hunting and trapping are permitted in the preserve, and subsistence use is permitted in the park and preserve. Management and use of all NPS areas is directed by federal regulations (published in title 36 of the Code of Federal Regulations). These have recently been updated to include regulations specific to Alaskan parks (36 CFR 13, reprinted in appendix B).

ISSUES ADDRESSED BY THE PLAN

Twenty-one major planning issues have been identified for Lake Clark National Park and Preserve. These issues are addressed in this plan to ensure that the purposes for which the areas were established are achieved.

For purposes of discussion and treatment by the plan, the issues will be listed under four headings: resource management; visitor access, recreation and use; land protection; and park management. The "Plan" section of the GMP (part 2) contains descriptions and details of conditions affecting the issues and contains a series of actions and decisions for resolving or ameliorating the issues. The plan contains the same sections as the issues. It is recognized, however, that there are overlaps between these categories and among the issues, and these will be



BARROW

Bering Strait

ALASKA

ANCHORAGE

JUNEAU

LAKE CLARK NATIONAL PARK
AND PRESERVE

DENALI
NATIONAL PARK
AND PRESERVE

FAIRBANKS

TONGUE

ANCHORAGE

WHITTIER

LAKE CLARK
NATIONAL PARK
AND PRESERVE

KENAI

SOLDOTNA

SEWARD

KENAI FJORDS
NATIONAL PARK

NONDALTON

FEDRO BAY

NEWHALEN

Iliamna
Lake

IGLOOIG

KAKHONAK BAY

ST AUGUSTINE

HOMER

SELDOVIA

DILLINGHAM

NUSHAGAK

NAKNEK

KING-SAMMON

KATMAI NATIONAL PARK
AND PRESERVE

EGEGHIK

Becharof
Lake

PILOT POINT

UGASHIK

KANATUK

Sheikof Strait

AFOGNAK

FORT LIONS

KODIAK
ISLAND

KODIAK

FORT HEIDEN

ANIAKCHAK
NATIONAL MONUMENT
AND PRESERVE

CHIGNIK

AKHICK

TRINITY ISLANDS

Ocean

Pacific



NATIONAL PARK

NATIONAL PRESERVE



NORTH

NO SCALE

REGION

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AND PRESERVE / ALASKA

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appropriately cross-referenced in the plan. A plan implementation and development section is also included in part 2.

To identify issues the park superintendent and staff of the National Park Service have consulted with representatives of the state of Alaska, native organizations and individuals, local residents, and public and private interest groups. It is beyond the scope of this GMP to address every detail of the comments received. These major issues are intended to facilitate understanding of the specific requirements of ANILCA and the intent of the National Park Service in addressing these requirements for the management of the resources and visitor use of Lake Clark.

Resource Management

Seven resource management issues are addressed by the plan:

- management and use of existing wilderness, which includes nearly all of Lake Clark National Park
- review of nonwilderness lands within Lake Clark National Park and Preserve for suitability or unsuitability as wilderness
- management of fish and wildlife populations and habitat, primarily in reference to subsistence uses and sport fishing within the park and preserve (including wilderness lands), and sport hunting within the preserve; the relationship of this management to subsistence uses and sport hunting and trapping on adjoining state lands and native corporation lands; and overall ecosystem management within the park and preserve and on adjacent lands
- management of three wild and scenic rivers within the park and preserve boundaries--the Chilikadrotna, the Mulchatna, and the Tlikakila--and cooperative agreement for management of downstream segments outside of the park and preserve
- management of watersheds crossing park and preserve boundaries
- management of wild fire
- management and protection of cultural and archeological resources and the opportunity for subsistence lifestyles by local rural residents

Visitor Access, Recreation, and Use

Two issues relate to public access and use:

- the means of providing and the location of facilities for access to and circulation within the park and preserve and adjacent areas
- facilities and services for the accommodation of visitors within and adjacent to the park and preserve, including scope, location, size, and how and by whom these facilities and services will be provided

Land Protection

A number of interrelated land use issues directly and indirectly affect Lake Clark National Park and Preserve:

- the future use, development, and management (including ownership) of

patented and interim conveyance lands of native, regional, and village corporations, with particular emphasis on Nondalton Native Corporation lands along the southern portion of Lake Clark

regional and village corporation selected lands within the park and preserve, specifically the Nondalton Native Corporation lands in the southwest corner of the preserve and the Cook Inlet Region Incorporated, lands along the shores of Cook Inlet within the national park

native allotment lands within the park and preserve, particularly along the shores of Lake Clark

private nonnative lands within the park and preserve

legally owned subsurface mineral interests within the park and preserve

lands and waters and subsurface interests adjacent to the park and preserve, including other federal, state, native corporation, native allotment, and other privately owned lands

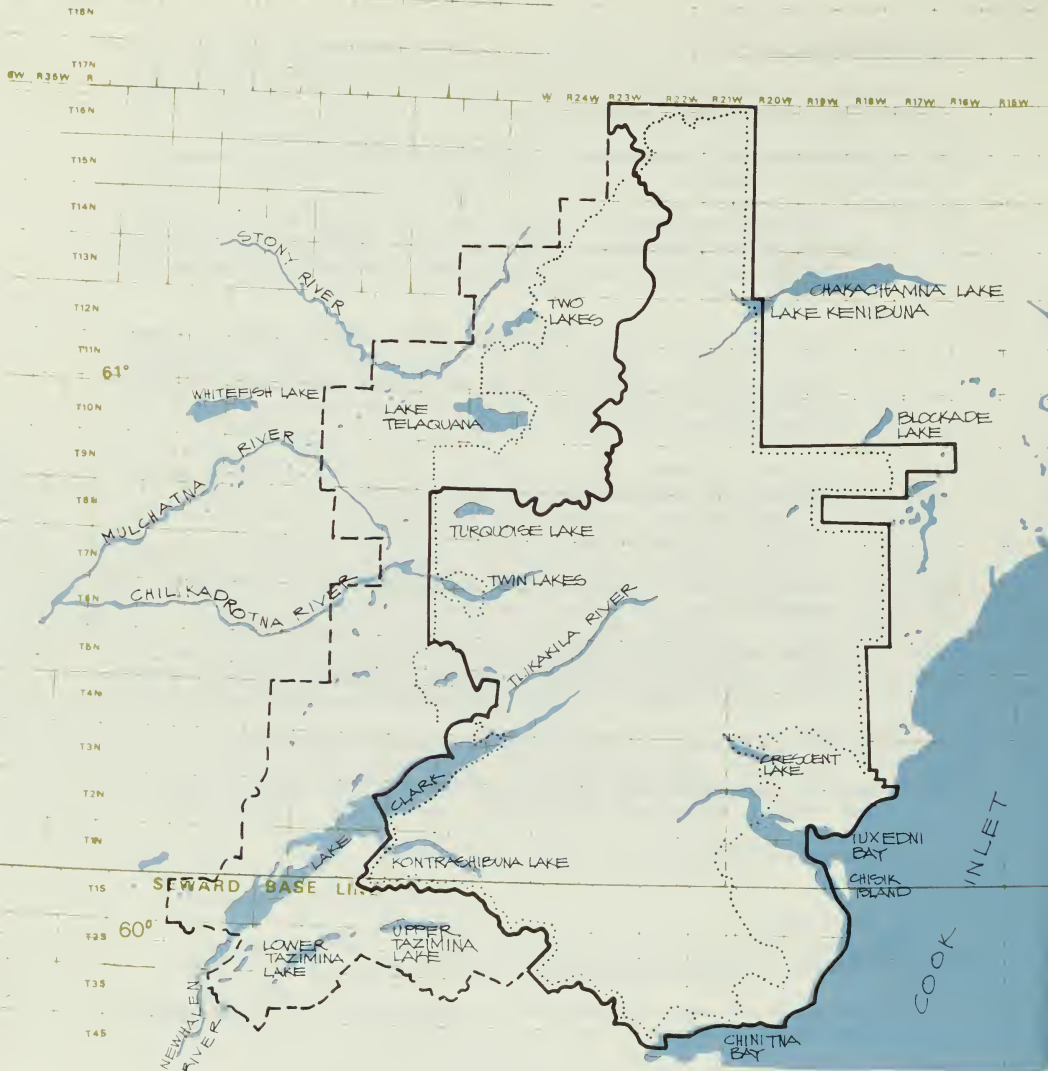
- navigability of waters within the park and preserve
- rights-of-way and traditional access to privately owned lands (as addressed by title XI of ANILCA)
- boundary adjustments

Park Management

Park management issues relate primarily to

- the location of park headquarters in Anchorage and field management sites within or adjacent to the park and preserve
- staffing, including the local hire provisions of ANILCA
- cooperative relationships with other federal agencies, the Alaska Department of Fish and Game and other state agencies, native corporations, local governments, and private entities

Cooperative relationships are also explicit in issues related to resource management, visitor access, recreation, and use, and land protection, and they are addressed as appropriate throughout the plan.



— PARK
 --- PRESERVE
 WILDERNESS

0 10 20 KILOMETERS
 0 10 20 MILES



BOUNDARY

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 AND PRESERVE / ALASKA

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PART 2: THE PLAN

MANAGEMENT CONCEPT

Lake Clark National Park and Preserve will be managed to achieve its legislated purpose as part of a larger mosaic of regional lands in state, native, and private ownership dedicated to a variety of conservation and economic uses.

For lands and waters under its authority, the National Park Service will emphasize the continuation of the natural processes that have shaped the landscape and sustained the plant and animal populations found on these lands and waters. In so doing, the Park Service will cooperate with the state and others to manage fish and wildlife populations in their natural species diversity, to protect habitat, and to maintain healthy populations of fish and wildlife.

Enjoyment of the resources will be encouraged by providing opportunities that range from a remote wilderness experience to comfortable lodging and guide services for people who are interested in leisurely enjoyment of the pristine beauty of the region.

The National Park Service will rely on the private sector and native corporations to provide a variety of services and accommodations for appropriate visitor uses of the park and preserve.

Regulation of the extent and number of participants engaging in approved uses and the means of engaging in such uses on federal lands will be undertaken where necessary to protect resources from impairment and degradation, to protect plant and animal habitat, to maintain natural and healthy populations of fish and wildlife, and to provide opportunities for solitude and a wilderness experience in some areas of the park and preserve.

The National Park Service will work cooperatively with others within the park and preserve and the surrounding region to ensure, to the extent practicable, that their differing management objectives and activities for lands under their ownership or management authority are compatible. The Park Service will emphasize protection of the resources of the park and preserve and enjoyment thereof by visitors to the area.

In carrying out the management concept stated above, the National Park Service will commit itself to a course of actions and decisions contained in the body of this plan. As management of Lake Clark National Park and Preserve proceeds, the plan's effectiveness will be monitored. Changes and amendments to revise and improve the plan will be accomplished as described in the "Introduction." In addition, more detailed action plans will be prepared as necessary to carry out the decisions reached in the plan (see appendix C, "Management Objectives").

RESOURCE MANAGEMENT

Ecosystem Management

Lake Clark is a large park and preserve area formed by volcanic activity, tectonic movement, and the constant forces of erosion. It contains many of the resources considered to be typical of Alaska--the coast, high mountains, active volcanoes, glaciers, deep valleys and lakes, high tundra, wild rivers, and a wide cross-section of flora and fauna.

It is an area rich in natural diversity.

The area also has an extensive cultural history. Fifty-six archeologic sites were identified in preliminary surveys. One area, the Kijik site, is on the National Register of Historic Places. Many residents are direct descendants of the area's earliest occupants, and their language, culture, and roots in this land are important resources. Many persons currently living in and near the area engage in traditional subsistence activities.

Change is a constant factor that needs to be taken into account in understanding ecosystem dynamics. Most of Alaska will undergo accelerated change during the life of this plan and beyond. Lake Clark National Park and Preserve may experience these forces ahead of other areas within the state because of (1) its proximity to the state's population center, (2) the transfer of lands within and adjacent to the park and preserve to private and state ownership, and (3) unstable geologic forces, including the active volcanoes of Mounts Redoubt, Iliamna, and Spurr.

National Park Service management of its portion of this ecosystem will, to the extent possible, preserve natural forces and diversity. The Park Service is committed to (1) interpreting and preserving past cultural resources, (2) implementing subsistence programs which meet the needs of local residents, and (3) providing for the enjoyment and appreciation of this park and preserve by visitors.

Much has been done by the state of Alaska, the National Park Service, other government agencies, universities, and private organizations to understand the resources of this region. A need exists to gather and synthesize this past work and then to plan effective programs to fill the needs of reasonable understanding for resources protection and area management. This work, to be coordinated by a resource management specialist, will require high levels of cooperation and will be given additional detailed direction in the area resource management plan.

Planned projects so far include

<u>Natural resource projects</u> (listed in 1984 priority)	<u>Dates</u>
fire management plan refinement	84-88
ecosystem baseline inventory	84-87
Mulchatna caribou herd studies	84-86
sport fishing analysis	84-87
backcountry use plan	85-86

bibliography project	84-85
large mammal studies	84-87
sport hunting analysis	85-86
subsistence timber harvest survey	84-85
subsistence food harvest and needs inventory	84-86
salmon research projects	84-88
bear-human interaction study	84-86
investigation of significant resource problems	84-88
wilderness campsite development	84-86
land status analysis	84-88
visitor use patterns	84-88
trail development assessment	85-86
furbearer resource analysis	86-87
natural resource data base management	84-87
raptor survey	84-87
research library project	84-86
geologic studies	84-87
river management program	86-87
research coordination program	84-88

<u>Cultural resource projects</u>	<u>Dates</u>
historical resource study	84-86
archeological study	83-87
sociocultural study	84-88
cultural resources base inventory	84-88
cabin survey	84-85
sociocultural program	88
preservation management plan	84-88
oral history	84-86
Den'ina language research	84-86
historical trail study	84-85

These projects will be clearly defined and funds requested in the Lake Clark resource management plan. This plan will be completed in 1984 and updated yearly thereafter. Interested parties, including the Alaska Department of Fish and Game, other state agencies, native corporations, and private interests will participate in this ongoing planning process.

Section 201 of ANILCA mandates the protection of habitat and populations of fish and wildlife within this area. Sport fishing and the subsistence taking of fish and wildlife are allowed in both park and preserve. Sport hunting and trapping are permitted in the preserve. These activities are authorized by sections 201 and 203 of ANILCA.

The dual responsibilities of protecting habitat and populations and providing for fish and wildlife utilization require the close cooperation of all resource users, the Alaska Department of Fish and Game, and the National Park Service. The National Park Service and the Alaska Department of Fish and Game have a master memorandum of understanding (MOU) which reflects the general policy guidelines within which the two agencies agree to operate concerning the management of fish and wildlife

resources and their habitats. The MOU is in concert with section 1314 of ANILCA, which specifies the responsibilities and authorities of the secretary of the interior and the state of Alaska for management of fish and wildlife on public lands. For the life of this plan the National Park Service will manage fish and wildlife resources in accordance with this MOU (see appendix D).

It is National Park Service policy to ensure that

management of park lands possessing significant natural features and values is concerned with ecological processes and the impacts of people upon these processes and resources. The concept of perpetuation of a total natural environment or ecosystem, as compared with the protection of individual features or species, is a distinguishing aspect of the Service's management of natural lands.

Geologic Resources

Research will be initiated to unravel the evolution of the park and preserve's natural resources during the last 10,000 to 12,000 years (Holocene epoch). The spatial and temporal extent of glaciation and annual snowlines will be determined and mapped to show the areas and times available to the various developing ecosystems. Particular emphasis will be placed upon the times and areas of potential prehistoric human occupancy and use. Once established, the chronology of glaciation will be tied to that already established in the literature for the Cook Inlet, Kenai Peninsula, and Anchorage areas and, if possible, to volcanism chronology being developed by the U.S. Geological Survey for Augustine, Iliamna, Redoubt, and Spurr volcanoes.

In conjunction with the study of glaciation an attempt will be made to determine past ecosystem composition and climates. Perkins and Sims (USGS 1981) have shown that varve thickness in glacial lakes can be correlated with mean annual temperatures and cumulative snowfalls in the southern climatological division of Alaska. Jacoby and Cook (1981), among others, have used tree-ring measurements from temperature-sensitive trees to infer temperatures several hundred years into the past. Similar studies in the park and preserve, when combined with studies of pollen and microfossils, can reveal past climatic trends and ecological conditions. Where appropriate material can be found, cultural remains, macrofossils, tephra layers, carbon-14, lichen growth, and amino acids can be analyzed to establish approximate and absolute ages of events and conditions.

The west coast of Cook Inlet in and near the park will be investigated to determine the amount and rate of coastal uplift during the Holocene. Elevated beaches and wave-cut terraces will be located and mapped, and these data, combined with established data on past sea-level elevations, glaciation, and volcanism, will establish the timing and extent of land emergence and its availability for human occupancy and use. A similar study will be encouraged west of the preserve where Bristol Bay may



GEOLOGY / PALEONTOLOGY **LAKE CLARK NATIONAL PARK AND PRESERVE / ALASKA**

have reached farther inland than it does today and affected both developing ecosystems and the activities of early human inhabitants.

Climate and fire-weather data will be gathered by observation and recording instruments at selected locations. In addition to the normal records of temperature, precipitation, snowfall, relative humidity, and wind strength and direction, records of snow depth and water content will be kept for specific areas determined by park wildlife specialists to gain information about wildlife wintering conditions. Records will also be maintained on the dates Lake Clark and Merrill passes are closed to light aircraft as a result of bad weather, the dates major bodies of water freeze over and break up, and the fluctuation of water levels in Lake Clark and Lake Telaquana.

Fish Management

Currently the waters within Lake Clark National Park and Preserve have completely wild stocks of fish. These are primarily salmon but also include grayling, Dolly Varden, lake trout, pike, and others. Rainbow trout occur but only on the Tazimina River below the falls.

The National Park Service will continue its close cooperation with the state of Alaska. Past and present projects include, but are not limited to, the following:

- a fisheries inventory of Lake Clark, which was funded by NPS and completed by Richard Russell of ADF&G
- continuing visits by Sport Fisheries Division personnel to Lake Clark and meetings with park staff and users
- continuing issuance of subsistence permits by state personnel for the taking of salmon in Lake Clark

In order to achieve the intent of ANILCA and other NPS mandates, the National Park Service will maintain habitat and natural and healthy fish populations. This will require close cooperation with state and user groups, in particular those represented by the subsistence commission, and the continued monitoring of escapement and limnological trends by state and federal personnel.

The National Park Service will not allow introduction of nonnative species or hatchery fish, lake fertilization, or erection of artificial passageways on NPS lands and waters. NPS guidelines allow for maintenance of established fish migration routes and spawning areas. Should such activities be proposed for adjacent lands and waters where resources of the park and preserve would be affected, the Park Service will negotiate with the landowner(s) to preclude or mitigate such impacts.

Sport fishing is allowed under state regulation and will not be curtailed or altered except through procedures established by section 816 and other applicable provisions ANILCA.

Commercial set net base camps along the coast may be permitted to continue with the concurrence of the affected native village and under the terms of a permit issued by the superintendent.

Wildlife Management

Wildlife populations are currently natural and healthy.

The primary big game animals sought by sport and subsistence hunters are moose and caribou. Other species such as sheep and bear are also hunted.

Brown bear are found primarily on the coast and along interior salmon streams.

Raptors, furbearers, and other species are also found but there are no reliable data indicating numbers, nests, dens, or movements.

Migrating waterfowl are numerous, but there is only a preliminary understanding of the nesting species, their numbers, densities, and trends.

Lake Clark National Park and Preserve represents the southern extension of Dall sheep range. Sheep numbers are carefully monitored by the National Park Service and Alaska Department of Fish and Game.

Casual observation indicates healthy populations of fox, lynx, and beaver. Wolves are found for the most part near timbered areas. Intense hunting and trapping in past years may have depressed wolf populations in the area, but no data are available on past or present numbers of these animals. Wolverines are seen occasionally.

Wildlife management will involve the following:

- The National Park Service will maintain habitat and natural and healthy populations of wildlife species occurring in Lake Clark National Park and Preserve.
- Under ANILCA, the Park Service will provide the opportunity for subsistence hunting and trapping in the park and sport hunting and trapping in the preserve.
- Cooperation between public agencies and adjacent landowners will be sought to ensure protection of wildlife habitat and mitigation of effects from future land development on habitat and species composition.
- Except in emergency situations, hunting and trapping will not be curtailed by the superintendent without appropriate consultation with the Alaska Department of Fish and Game.



WILDLIFE RESOURCES

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- Habitat manipulation and predator control will not be permitted on park or preserve lands.
- The National Park Service recognizes its relationships with the state as defined by ANILCA and the master memorandum of understanding, and it trusts that the state will continue to cooperate in the protection of fish and wildlife resources of the park and preserve.

The National Park Service will continue integrated management programs such as

- cooperative fire management
- inventories of fish and wildlife, concentrating on indicator species such as moose, caribou, and raptors, and cooperative studies with the state such as those of the Mulchatna caribou herd currently underway
- studies of brown and black bear leading to development of bear management programs
- work with state and private landowners to ensure continued subsistence resource protection

Cultural Resources

Past and present uses of the park and preserve will be identified, evaluated, and interpreted, and management programs will be developed and implemented to protect cultural values. Known historic and archeological resources will be protected wherever possible. NPS "Management Policies" and "Cultural Resources Management Guidelines" (NPS-28) will direct all actions pertaining to cultural resources, including the mitigation of any adverse effects on cultural properties.

Archeological surveys and, where appropriate, subsurface testing will be done on a site-specific basis for all ground-disturbing activities resulting from the general management plan. An archeological clearance will be prepared when there are no archeological resources in a project's impact area or where the project will have no foreseeable impacts upon archeological resources. Cultural resources that will be affected will be treated in accordance with a September 1981 programmatic memorandum of agreement between the National Park Service, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers. The state officer will be afforded an opportunity to comment on the appropriateness of proposed treatments for cultural resources in the park and preserve.

The approximately 165 cabin sites which are known to be scattered throughout the park and preserve, and all other above-grade structures, will be located, and their ownership, condition, and use determined. Their archeological, historical, architectural, and cultural values will be professionally evaluated. From this inventory, a list of classified structures will be prepared by area managers.

A cultural sites inventory and cultural resources base map will be prepared and maintained up-to-date by the regional office. Based upon professional evaluation, all cultural resources which qualify will be nominated for inclusion on the National Register of Historic Places. A scope of collections statement will be prepared to guide the park in making day-to-day decisions about what museum specimens to acquire and which to reject or eliminate.

The National Park Service will offer its expertise in historic preservation to the owners of National Register properties surrounded by the park and preserve. In addition, the National Park Service will recommend that any lands which may become privately owned within the Kijik historic district be included in the land bank programs established under ANILCA. If this cannot be done, other means will be explored to ensure the preservation of cultural values. Wherever possible, the National Park Service's plans and programs will contribute to the preservation of cultural properties in the area.

The recognition and protection of the local residents' culture and history will be encouraged by providing advice, assistance, and technical expertise in data collection, preservation, display, publication, and interpretation. The cultural resource studies of this plan will provide background data for this program.

Human presence, both past and present, has been closely tied to the environment and available resources. The geological and paleoecological studies of natural resources and past climates will delineate areas in the park and preserve where cultural resources of particular time periods can be expected to exist. Based on this information, predictive models will be prepared and archeological surveys will be conducted to determine the locations of any cultural resources. Detailed scientific examinations based upon survey data for selected sites will be conducted to establish a regional cultural sequence and settlement pattern for each prehistoric cultural group and to provide an understanding of the reasons for change from one period to the next.

A historic resource study will document the events, experiences, and observations of people in the area from the earliest written records through the beginning of NPS management. The first part of this study will be primarily an archival search. It will extract observations about the natural resources and climate of the area as well as cultural information. The second portion of the study will concern itself primarily with the 20th century and consist of interviews with people who have lived or are still living in the area and a review of contemporary literature through 1985.

In addition to the NPS studies and surveys, other research by qualified investigators or recognized educational or scientific institutions will be permitted, in conformance with the procedures of the Antiquities Act of 1906 (16 USC 431 et seq.), and NPS "Management Policies" and "Cultural Resources Management Guidelines."

Before any lands in the park and preserve leave NPS ownership they will be surveyed for cultural values, and identified sites will be professionally

evaluated for nomination to the National Register of Historic Places, in compliance with section 110 of the National Historic Preservation Act, as amended.

Subsistence

Current Activities: At this time, subsistence activities in and adjacent to Lake Clark National Park and Preserve have the following general characteristics:

Persons engaging in subsistence activities are primarily those whose homes are on Sixmile Lake, Lake Clark and the coast of the park.

Primary subsistence uses within the park and preserve are salmon fishing under terms of a permit issued by the state, moose hunting under state season and bag limits, and berry gathering.

Under section 811(b) of ANILCA and 36 CFR 13.45, aircraft may not be used for subsistence purposes. Most use occurs by means of boat, three wheeler, snowmachine, and foot travel.

Most subsistence opportunity in the Lake Clark/Sixmile Lake area exists within the preserve and on adjacent lands and waters outside the national park boundary.

Firewood and house logs may be cut on public lands under the terms and conditions of a permit issued by the superintendent. Dead or down wood may be gathered without a permit.

Subsistence trapping within the park and preserve boundary occurs on a limited basis primarily on lands adjoining Lake Clark, the Chulitna River, and along the coast.

Iliamna, Lime Village, Newhalen, Nondalton, Pedro Bay, and Port Alsworth are listed as resident zones in 36 CFR 13 regulations for Alaska. Local rural residents and resident zones are defined by 36 CFR 13.42 (see appendix B).

Scattered residents living elsewhere within and adjacent to the park and preserve also engage in subsistence activities.

Last year it is estimated that 400 user days were spent in the park and preserve engaging in some form of subsistence activity. Accurate data are not available.

Close cooperation with the ADF&G Subsistence Division has occurred. Steven Behnke, the current director of the Subsistence Division, completed his subsistence research of the area under an NPS contract. This work was entitled "Resource Use by Local Residents in and around the Proposed Lake Clark National Park, Alaska" (University of Alaska, November 1977). Currently the National Park Service is cooperating with the Alaska Department of Fish and Game (Judy Morris, subsistence coordinator, King Salmon) in a survey of Lake Iliamna residents' subsistence requirements. This survey will also update Behnke's earlier work.

Organization: A subsistence resource commission for the park established under section 808 of ANILCA consists of three members appointed by the secretary of the interior, three appointed by the governor of Alaska, and three appointed by each regional subsistence council. (Current appointees are listed in appendix E). They are responsible for establishing a subsistence hunting program for the park. Their recommendations will be forwarded to regional councils and then to the secretary and governor. These councils and commissions will be meeting and making recommendations in the near future.

Objectives and Management: To meet its legal responsibilities (including ANILCA) the National Park Service will

- maintain habitat and natural and healthy populations of fish and wildlife
- implement the park subsistence resource commission recommendations unless the recommendations are unacceptable for reasons defined by section 808(b) of ANILCA (see appendix F)
- conduct a timber survey on available federal lands along the Lake Clark shoreline and ensure the protection of park timber resources while allowing for noncommercial harvest of house logs and firewood for subsistence purposes (Private landowners will be encouraged to carefully manage their timber resources in ways compatible with park management objectives.)
- cooperate closely with the ADF&G Subsistence Division and local organizations to gather subsistence use data and to ensure that subsistence activities will be able to continue while maintaining natural and healthy populations of species

The prospect of increasing numbers of persons moving to private lands within the area and thus qualifying as local rural residents for the purposes of subsistence hunting and fishing and timber cutting is real. This will require continued monitoring to assess user impacts on fish and wildlife populations and timber stands. It may require restrictions of use through (1) the findings of subsistence commissions and councils and by the secretary or governor, (2) a more restrictive permit process for cutting house logs, etc., (3) regulatory change to redefine and limit subsistence users to those local residents traditionally engaged in such a way of life, or (4) closure of some areas under section 816 of ANILCA (appendix G).

Nondalton has expressed an interest in ensuring exclusive continued subsistence uses on their lands within the Chulitna River drainage. To the extent possible, cooperative management agreements for these lands will be developed.

The Cook Inlet coast of Lake Clark National Park may eventually be conveyed to villages of Cook Inlet Region, Incorporated, except for those lands already in private ownership. To the extent possible, cooperative agreements with private landowners will be used to ensure protection of valuable fish, wildlife, cultural, and paleontological resources.

Sport Hunting

Sport hunting is authorized within Lake Clark National Preserve as provided in section 203 of ANILCA. The preserve falls within four hunting units described by the ADF&G Game Division: 9B, 16B, 17B, and 19B. The species of big game animals hunted in the preserve are black and brown bear, caribou, moose, and sheep. The hunting season dates and species limits are determined and set by the state Board of Game. Enforcement of hunting regulations in the preserve is done primarily by park rangers and state wildlife protection officers with considerable interagency cooperation.

Approximately 15 certified big game guides are authorized by the state to operate in the above mentioned hunting units. Of these, one has asked for and received an NPS commercial use license to guide within the preserve. The preponderance of hunting activity in the preserve is nonguided. Its proximity to Anchorage and the Kenai Peninsula makes the preserve especially popular for resident hunters. In addition to those who use their own aircraft to hunt in the preserve, air taxi operators bring in other residents and also out-of-state and foreign hunters.

The extent of this use is readily apparent during the late summer, early fall hunt when areas such as Stony River, Caribou Lakes, Fishtap, and Snipe Lake receive heavy hunting pressure. At this time the level of hunting use and actual harvest figures specific to the park and preserve are not available. By working with the Alaska Department of Fish and Game, using data from state harvest reports, and random sampling of hunters in the field, hunting use will be quantified.

Continued interagency cooperation between the state and the park is of paramount importance to ensure that the responsibilities of both agencies are met.

Pollution Control and Abatement

There are two primary potential pollution concerns that confront the management of Lake Clark--air and water. The park is mandated to protect the watershed and to maintain, unimpaired, the scenic beauty of the park. At present the Alaska state water quality standards classify the majority of state waters for potable use, requiring that man's activities do not diminish that use.

Maintaining the quality of water systems in the park and preserve will be carried out in a manner that is consistent with and under the regulatory parameters of the state Department of Environmental Conservation. That department will be consulted prior to any future NPS development of water treatment facilities.

Any decline in water quality caused by man's influence that would compromise the perpetuation of the red salmon fishery in Bristol Bay would be inconsistent with state regulations. Potential impacts could occur from such activities as mining, recreational use, residential and commercial pollution, or natural disasters. Both federal and state authorities and regulations will be fully utilized to mitigate adverse influences where possible.

The park desires to maintain water quality at an appropriate level for human consumption, consistent with that reasonably expected in a natural area. A water quality monitoring program will be initiated to determine trends. Considering the long-term expanded use of the park by visitors, as well as increasing development and human activities on private lands, water quality related public health concerns will become increasingly important. Such public health concerns will be addressed as an ongoing management objective in conjunction with the state and other federal agencies. It should be recognized that the presence of natural waterborne organisms that pose a possible threat to human health (such as Giardia) is not considered to be a water quality problem. The need to treat drinking water in the backcountry is addressed in various informational documents.

The National Park Service will petition the U.S. Environmental Protection Agency and the Alaska Department of Environmental Conservation to appropriately enforce regulations which address air and water quality.

Considering the use of coastal areas of the park for access and recreational boating, as well as the proximity of commercial marine traffic, the National Park Service recognizes the potential for fuel and oil spills along the coastline. The sensitive nature of these coastal resources, and the difficulty of containing spills on the water, make oil and fuel spills of special concern. Spills in other areas of the park unit could also cause significant harm. To minimize damage to the resources in and around the park unit, the National Park Service will work with other federal and state agencies in preparing for an appropriate response in the event of a spill.

Fire Management

Special emphasis is given here to the interagency fire management program of this region. An approved fire management plan was implemented during the 1983 burning season. In concept, it allows fire to play its natural role within ecosystem dynamics unless it poses a threat to human life or private property. The area considered in this plan extends well beyond park boundaries to include resources defined by geologic features. The National Park Service intends to follow this established program, which is directed toward meeting the resource management objectives of the state and participating federal agencies.

In 1983 the National Park Service initiated a three-year program to determine fire histories, fuel densities, and the effects of fire on vegetation. This program will result in an expanded information base needed for improved fire planning and management and understanding of fire effects under widely varying conditions and within different vegetative types.

Waste Disposal

Waste disposal is a significant problem within the park and preserve. Waste falls into two primary categories--that located on private lands and

that left by park visitors. Logically, the majority of trash, debris, and waste accumulations occur at park resident areas. The park staff will work with private landowners as much as legally possible to resolve trash accumulation problems residents may have and wish to mitigate.

Trash, debris, and waste accumulations located on government land will be removed or burned as required to maintain, unimpaired, the scenic beauty and qualities of the park and preserve. Every attempt will be made to utilize large aircraft hauling NPS supplies, materials, and equipment to the park to backhaul trash for disposal in established sanitary landfills. A policy of "pack it in, pack it out" will be developed, and the National Park Service will work with those providing backcountry commercial services and with visitors to encourage adherence to this policy. Informational materials on minimum impact backcountry techniques will be provided to users and visitors to the park and preserve.

Campsite Monitoring

A comprehensive campsite monitoring program has been initiated to identify and catalog all historically used camping areas in the park and preserve. To date 22 locations have been documented which contain 116 campsites. The campsites are areas that have been occupied to the extent that it is evident that the area has been used as a campsite previously, that is, vegetation has been trampled, fire rings built, firewood gathered, trash accumulated, etc.

Severely impacted sites will be rehabilitated as required to maintain the integrity of the area. Visitors will be encouraged to utilize camp areas which can withstand heavy use (gravel bars, beaches, etc.).

A backcountry management plan including the above elements will be developed to

- identify critical resource areas and those most liable to be severely impacted
- serve as an action plan for the park staff in their day-to-day management of backcountry visitor and resident use
- set approximate carrying capacities to the extent considered necessary based on management studies
- ensure effective compliance with appropriate 36 CFR regulations
- identify and justify programs to be incorporated in budgetary requests

Cabin Management

To date 165 cabin sites have been identified within the park and preserve. The number of structures per site varies from one to twenty,

including cabins, sheds, tent frames, outhouses, etc. The status of ownerships has been determined. Cabins or structures that are under NPS ownership and open and available for use by the public will be identified.

The authority for the use of cabins and other sites of occupancy on conservation system units is contained in section 1303 of ANILCA (see appendix H). This language is supplemented in 36 CFR 13.17, which provides "procedures and guidance for those occupying and using existing cabins and those wishing to construct new cabins within park areas" (recreation cabins not included). Detailed cabin guidelines with respect to all types of cabins on NPS lands in Alaska will be available at a future date.

An important aspect of the cabin management program relating to new structures is the taking of timber for cabin construction. It is managed as a part of subsistence use and is addressed in that section of this plan.

It is incumbent upon the superintendent of Lake Clark to determine the potential use of cabins or structures on federal lands. These determinations will be based upon location, condition of the structure, visitor use patterns and impacts, and ownership status. Cabins will be managed in compliance with section 1303 of ANILCA (appendix H) and 36 CFR 13.

Management of Units of the Wild and Scenic Rivers System

Section 601 of ANILCA added three rivers within the boundaries of Lake Clark National Park and Preserve to the Wild and Scenic Rivers System. These are the Chilikadrotna (11 miles), the Mulchatna (24 miles), and the Tlikakila (51 miles). These areas will be managed as integral portions of the Lake Clark National Park and Preserve as follows:

- All three rivers are designated as wild rivers in their entirety and will be managed so that they remain free of impoundments and diversions and inaccessible by road, with their shorelines primitive and their waters unpolluted.
- No separate boundaries will be established for their management and protection, and they will be managed under the resource management provisions of this plan.
- The National Park Service will seek to include the several miles of the Chilikadrotna River in T. 29 W., R. 7 N. within the boundaries of the preserve through exchange with the state of Alaska and will seek through exchange or cooperative agreement to ensure a high degree of protection for the nationally significant river values of the Chilikadrotna and Mulchatna rivers and their adjacent environments. This will be done consistent with the state's objectives for fish and wildlife management and river-oriented recreation on these lands (see the "Land Protection" section, "Potential Boundary Adjustments").

- The National Park Service will encourage the state of Alaska to manage its segments of the Mulchatna and Chilikadrotna rivers as wild rivers.
- The National Park Service will identify existing conditions of the rivers and will monitor use of the rivers through cooperation with commercial outfitters, ranger contact, and random observation to determine the amount and patterns of use. This information will be used to determine the effects of use on river campsites and associated resources and values. It will also serve as a basis for determining the need and content, if any, for river use guidelines and management programs. These will be used, if necessary, to balance public use with resource protection.
- The National Park Service will operate a trip information service so that private and commercial river runners can time their trips to avoid conflict with other parties and congestion on the rivers. All users of park waters will be encouraged to minimize their impacts upon river resources.

Wilderness Management

ANILCA established a Lake Clark wilderness of 2,470,000 acres (see the Preliminary Wilderness Review map) for management under the provisions of the Wilderness Act of 1964 (PL 88-577). This act states that wilderness areas "shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness."

Wilderness is then defined (in part) as "an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitations, which is protected and managed so as to preserve its natural conditions."

Management requirements for wilderness areas that have been established, or that may be established, under the provisions of ANILCA vary from other wilderness areas not affected by ANILCA. Section 1110(a) of ANILCA provides that the secretary of the interior shall permit on conservation system units, which by definition in section 102(4) includes units of the National Wilderness Preservation System,

the use of snowmachines . . . , motorboats, airplanes and nonmotorized surface transportation methods for traditional activities (where such activities are permitted by this Act or other law) and for travel to and from villages and homesites. Such use shall be subject to reasonable regulations by the Secretary to protect the natural and other values of the [wilderness] areas, and shall not be prohibited unless, after notice and hearing in the vicinity of the affected unit or area, the Secretary finds that such use would be detrimental to the resource values of the unit or area.

The National Park Service has incorporated this provision into the Code of Federal Regulations covering the administration of National Park System units in Alaska (36 CFR 13, see appendix B).

While most of the area of the Lake Clark wilderness is an extremely rugged and glaciated portion of the Alaska and Aleutian ranges, floatplane landings are possible on such water bodies as Turquoise Lake, Upper Twin Lake, Lachbuna Lake, Little Lake Clark, Kenibuna Lake, Summit Lake, and Crescent Lake. In addition, planes land on gravel bars on rivers such as the Neacola, Tlikakila, and Tuxedni. Airplane landings are also possible on snowfields and tundra areas. The National Park Service intends to allow the traditional use of airplanes in designated wilderness under the provisions of 36 CFR 13 (appendix B). Helicopter landings are prohibited on park and preserve lands except in compliance with a permit issued by the superintendent.

Motorboats may also be used on bodies of water within wilderness where such use is traditional. Snowmachine access occurs most commonly in river valleys and in the limited foothills and tundra portions of wilderness. No other forms of motorized access are permitted except as provided by ANILCA 1110(a) and 1111(a) (appendix I).

The Wilderness Act, section 4(a), states that subject to existing private rights there shall be "no commercial enterprise and no permanent road within any wilderness area . . . and except as necessary to meet minimum requirements for the administration of the area for purposes of this Act (including measures required in emergencies involving health and safety of persons within the area), there shall be no temporary road . . . and no structure or installation within the area."

ANILCA, section 1303(a)(3), however, permits the use of cabins or shelters in National Park System units for official government business, for emergencies involving health and safety, and for general public use (see appendix H). In addition the secretary of the interior, under section 1303(a)(4), may permit the construction and maintenance of cabins or other structures if the use is determined necessary for reasonable subsistence use. This applies to the Lake Clark wilderness inasmuch as subsistence is allowed in both the park and preserve. While these provisions can be interpreted to include wilderness as defined in section 102(4), the "Wilderness Management" section of ANILCA (section 1315) contains much more specific language. This states that "previously existing public use cabins within wilderness . . . may be permitted to continue and may be maintained or replaced subject to such restrictions as the Secretary deems necessary to preserve the wilderness character of the area." Also, the National Park Service may construct new cabins and shelters if necessary for the protection of public health and safety. Appropriate committees of the Congress must be notified of the intention to construct public use cabins or shelters in wilderness.

Section 1316 provides that the secretary of the interior shall permit, subject to reasonable regulations, temporary shelters and facilities on lands open to the taking of fish and wildlife except that the secretary may, subject to adequate notice, determine that such facilities constitute a significant expansion of existing facilities or are detrimental to unit purposes, including wilderness character, and thereupon deny such use.

Consistent with the foregoing and other sections of this plan the Lake Clark wilderness will be managed in the following manner:

- Enjoyment of the wilderness for those purposes established by law will be encouraged, and the National Park Service will cooperate with private sector guides and outfitters working under NPS commercial use licenses and with individual park visitors to ensure quality wilderness experiences. The Park Service will also develop wilderness use guidelines on campfires, trash removal, and related activities that might adversely impact on wilderness resources and the enjoyment of the wilderness experience.
- The National Park Service will prepare and make available to visitors, including mountain climbers who wish to enjoy the wilderness on their own, information on health and safety requirements, including equipment, climate, known hazards, and wilderness use guidelines. All wilderness users will be requested to register with or otherwise inform the Park Service of their plans for wilderness use.
- The National Park Service will work with commercial guides and outfitters to develop records on numbers of uses, means of access, type and location of use, and length of stay.
- Traditional access to private lands within wilderness will be continued under the terms of ANILCA.
- The National Park Service, as part of its cabin management strategy, is identifying all cabins on federal lands within the park and preserve. As cabin guidelines are completed, determinations will be made by the superintendent as to which may be permitted to continue under restrictions deemed necessary to preserve the wilderness character of the area. No cabins may be used as a base for commercial purposes, and no charge may be made expressly for the use of any shelter or cabin on federal lands within wilderness.
- No natural landing area may be "improved" to facilitate landing within wilderness. If determined to be detrimental to wilderness values, natural landing areas may be closed to such future use following procedures outlined in 36 CFR 13 (see appendix B). The single developed airstrip* near Two Lakes will not be maintained. During the life of this plan, the Service will work to mitigate resource damage in this area to the extent that it is possible and reasonable. The ATV trails, trash, and shacks are of primary concern. Time and natural processes may close the airstrip in future years.

* This airstrip is located to the east of the upper Necons River. It was built illegally without Bureau of Land Management approval on lands withdrawn under ANCSA, section 17(D)(2). Currently it constitutes an area of significant adverse impact upon wilderness values. The unacceptable facilities include the airstrip itself, off-road vehicle trails, geologic test pits, and scattered shacks and outbuildings.

- No docks may be provided on wilderness waters and no other temporary or permanent structure provided to facilitate use of approved motorized equipment.
- No new public use cabins or shelters will be provided within wilderness until the National Park Service, following the approval of this plan, reviews wilderness use and needs at Lake Clark and amends, as necessary, the wilderness management portion of this plan.
- For purposes of fish and wildlife management, no distinction or limitations other than those stated in this section shall be made between wilderness and nonwilderness land (see the appropriate parts of the "Resource Management" section of this plan).

Wilderness Review

Section 1317(a) of ANILCA requires the secretary of the interior to conduct a wilderness review of "all lands within units of the National Park System . . . in Alaska not designated as wilderness in this act and report his findings to the President." This must be done within five years of the passage of ANILCA, or by December 2, 1985. The president has an additional two years to present his recommendations to Congress.

The affected federal lands covered by this review will be managed as wilderness until such time as the president makes his recommendations to the Congress. For recommended areas, such management will continue until Congress acts on the recommendations. Management of these areas will take the requirements of title VIII of ANILCA on subsistence into account (see the "Subsistence" section of the plan). No boundary adjustments affecting existing federal lands in these areas will be made prior to the president's recommendations to the Congress. Boundary adjustments are considered as part of the review, and boundary adjustments will be made as part of the proposed actions based on mutual agreements with the state of Alaska and others wherever such adjustments will be mutually beneficial.

Senate report 96-413 proposed that one area be deleted from the park and that three areas of state lands be considered for inclusion through exchanges with the state (see appendix J). The Stony River was identified for deletion, while additions were proposed in the Chilikadrotna and Mulchatna river areas west of the preserve, the Chakachamna Lake-Mount Spurr area along the northeast portion of the park, and smaller areas of land east of Lake Clark Pass.

Ten preliminary wilderness study areas are listed and analyzed below. Five are within the boundaries of the park (areas 1-5) and five are within the preserve (areas 6-10). Four have been determined to be suitable in part or in all for exchange (areas 1, 2, 6, and 9). These are located on the Preliminary Wilderness Review map.

Area 1. At the north end of the park there area about 30,000 acres of glaciated mountain terrain on the north slope of the divide between

T18N

T17N

W R

T16N

T15N

T14N

T13N

T12N

T11N

61°

T10N

T9N

T8N

T7N

T6N

T5N

T4N

T3N

T2N

T1N

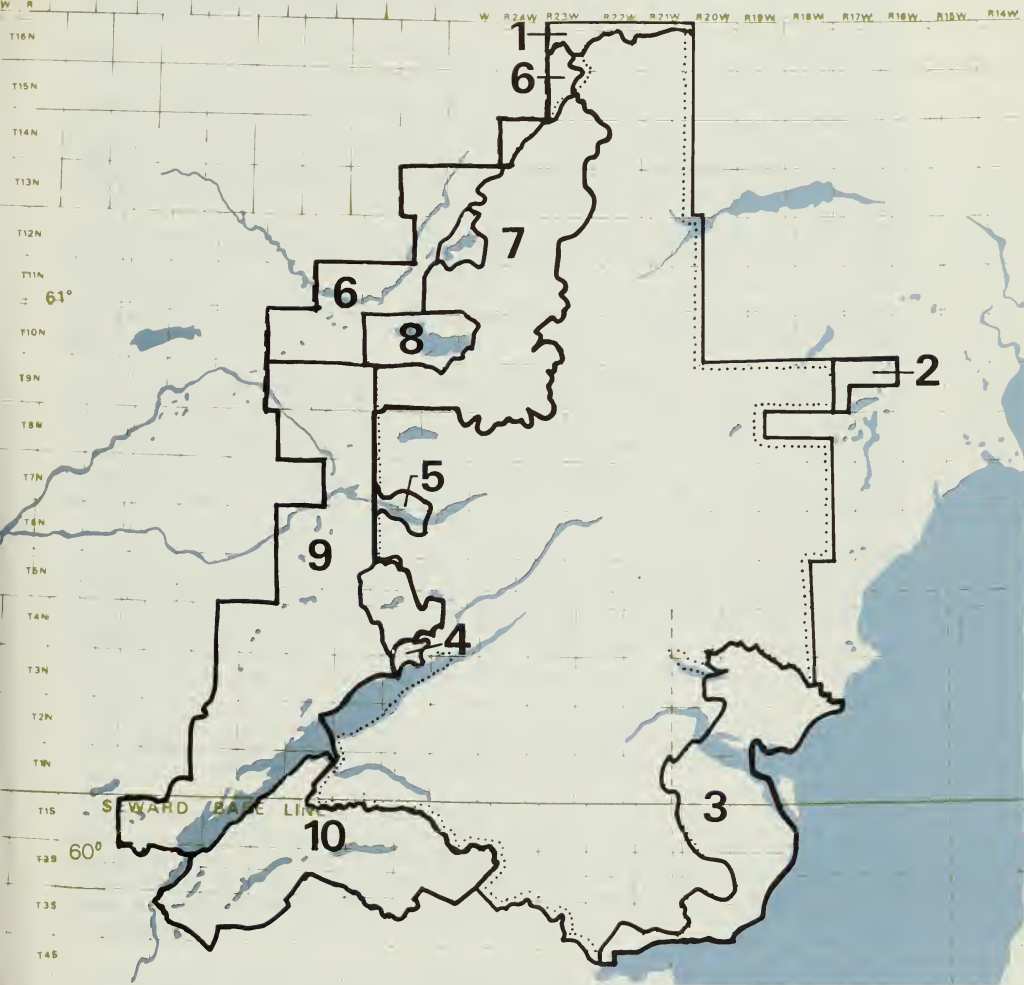
T1S

60°

T3S

T4S

W R24W R23W R22W R21W R20W R19W R18W R17W R16W R15W R14W

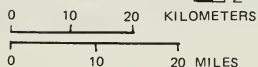


PRELIMINARY WILDERNESS REVIEW

LAKE CLARK NATIONAL PARK
AND PRESERVE / ALASKA

United States Department of the Interior /
National Park Service

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drainages of the north-flowing south fork of the Kuskokwim and Skwentna rivers and the east-flowing Chilligan River that have not been designated as wilderness. This area is suitable for inclusion in wilderness since it meets the criteria of wilderness. It is, however, also suitable for exchange based upon its location on the northern edge of the hydrologic divide.

Area 2. This unit contains nearly a township of glaciated mountain terrain extending as a finger of land some 8 or 9 miles east of the eastern boundary of the park. To the south a similar 9-mile area of state-selected land extends westward through glaciated mountain land to the west border of Lake Clark Pass.

This area is less suited for inclusion in wilderness because it projects into nonwilderness areas outside the park boundaries. It does possess wilderness qualities and is also suitable for exchange, particularly in relation to the state land southwest of this area that penetrates the east side of Lake Clark Pass.

Area 3. An area of approximately 160,000 acres within the national park boundaries that is not in wilderness extends from the north shore of Tuxedni Bay on the Cook Inlet to Chinitna Bay on the south. Almost all but 25,000 acres has been selected by Cook Inlet Region, Incorporated, and T. 1 S., R. 21 W. is patented by CIRI. In addition, the corporation has selected about 140,000 additional acres within already existing adjacent wilderness.

This area contains the broad outwash valley of the Crescent River and Polly Creek and the lower tidal estuary of the Tuxedni River, which is considered to be under state administration as defined in section 103(a) of ANILCA (see the "Land Protection" section of the plan). It also contains coastal mountains to over 4,000 feet in elevation, coastal shoreline, and the smaller valleys of the Johnson River and Glacier and Middle Glacier creeks.

Dependent upon the disposition of native selections in this area, very little land may remain that could be considered for wilderness.

Area 4. This area contains about 8,000 acres at the northwest end of Lake Clark. The area contains six small tract entries and nine unpatented mining claims. It is bounded by preserve wilderness to the north, park wilderness to the east, Lake Clark to the south, and preserve lands to the west. This area is suitable for wilderness and, excluding valid private rights, would add several miles of wilderness shoreline to Lake Clark.

Area 5. This area contains Lower Twin Lake and is surrounded by park wilderness except at the narrow west end where it adjoins the preserve. This area is suitable for wilderness, and it is virtually surrounded by designated wilderness lands.

Area 6. Preserve lands here include the upper drainage of the Stony River. These lands are on the northwestern edge of the preserve, adjoin the preserve and park wilderness lands on the east, and adjoin state

lands on the west. The Stony River area is essentially wild and meets the definition of wilderness, excluding three small tract entries. It is also suitable for exchange consideration.

Area 7. This small area includes Two Lakes west to the divide between the Necons and Stony rivers. It appears to be suitable for wilderness designation and is surrounded by designated wilderness on three sides.

Area 8. This area contains the two-plus townships surrounding Lake Telaquana. There are four small tract entries, three on the lakeshore. Apart from these private lands the area appears to meet the definition of wilderness. Inasmuch as traditional access is permitted within wilderness areas established under ANILCA, wilderness designation of surrounding federal lands would not restrict landowners' traditional access to their properties.

Area 9. This large area contains the remaining preserve lands south to Lake Clark, excluding the Nondalton patented and interim conveyance lands and other private lands. It is characterized by rolling hills, high tundra, rivers, and streams. Some of the surface water is trapped by a myriad of lakes and ponds. The moist tundra and spruce communities support large migrant populations of caribou, moose, birds, and fish.

The area appears to meet the definition of wilderness. However, the west shoreline of Lake Clark is almost entirely taken up in small tract entries and Nondalton Native Corporation patented and interim conveyance lands. Portions of the area south of the Chilikadrotna and Little Mulchatna rivers could be considered for future boundary adjustments. Two areas of federal land east and south of Long Lake are isolated from other federal lands within the boundary by Nondalton land and should also be considered for exchange.

Area 10. This area contains all of the preserve area south and east of Lake Clark except Nondalton Native Corporation and Bristol Bay Regional Corporation patented and interim conveyance lands. The area centers on the Tazimina River and upper Tazimina Lake drainage. Boreal forest vegetation is well developed here and is represented by white spruce forest, black spruce muskeg, deciduous forests of paper birch and balsam poplar, and bogs. Little or no evidence of human activity can be seen in this area. The development of a proposed hydroelectric project on Bristol Bay Native Corporation, Nondalton Native Corporation, and Iliamna Natives, Ltd., lands near the outlet of lower Tazimina Lake, to the west of this area, would not flood or directly impact the nature of these upstream lands.

This eastern portion of Tazimina Lake area is suitable for wilderness designation. It is expected that most native corporation selections in the western half will be conveyed.

VISITOR ACCESS, RECREATION, AND USE

ANILCA, section 1301(b)(3), requires the GMP for Lake Clark National Park and Preserve to contain "a description of any areas of potential and

proposed development; indicating types of visitor services and facilities to be provided; the estimated costs of such services and facilities, and whether or not such services and facilities could or should be provided outside the boundaries of such unit."

Section 1301(b)(4) further requires "a plan for access to, and circulation within such unit, indicating the type and location of transportation routes and facilities, if any."

In regard to the location of visitor facilities and administrative sites, section 1306 of ANILCA provides that consistent with the preservation, protection, and proper management of the conservation system unit, the secretary of the interior may establish sites and visitor facilities "(1) within the unit, if compatible with the purposes [of] the unit . . . and other provisions of this Act, or (2) outside the boundaries of, and in the vicinity of, the unit."

To the extent practicable and desirable, the secretary shall "attempt to locate such sites and facilities on Native lands in the vicinity of the unit."

This section further provides authority to the secretary of the interior to lease or acquire title to (except by condemnation) nonfederal land, office space, housing, and other necessary facilities and to construct facilities thereon for park purposes. For leased land, no construction of facilities may begin until the secretary has entered an agreement which ensures the continued use of the facilities in furtherance of the purposes of ANILCA. Nondalton Native Corporation has offered 10 acres of land for use by the National Park Service for development of a management and visitor information facility.

Section 1307 is particularly important at Lake Clark. It reads:

(a) Continuation of Existing Visitor Services.--Notwithstanding any other provision of law, the Secretary, under such terms and conditions as he determines are reasonable, shall permit any persons who, on or before January 1, 1979, were engaged in adequately providing any type of visitor service within any area established as or added to a conservation system unit to continue providing such type of service and similar types of visitor services within such area if such service or services are consistent with the purposes for which such unit is established or expanded.

(b) Preference.--Notwithstanding provisions of law other than those contained in subsection (a), in selecting persons to provide (and in contracting for the provision of) any type of visitor service for any conservation system unit, except sport fishing and hunting guiding activities, the Secretary --

(1) shall give preference to the Native Corporation which the Secretary determines is most directly affected by the establishment or expansion of such unit by or under the provisions of this Act;

(2) shall give preference to persons whom he determines, by rule, are local residents; and

(3) shall, consistent with the provisions of this section, offer to Cook Inlet Region, Incorporated, in cooperation with Village Corporations within the Cook Inlet Region when appropriate, the right of first refusal to provide new revenue producing visitor services within the Kenai National Moose Range or that portion of the Lake Clark National Park and Preserve within the boundaries of the Cook Inlet Region that right to remain open for a period of ninety days as agreed to in paragraph VIII of the document referred to in section 12 of the Act of January 2, 1976 (Public Law 94-204).

(c) Definition.--As used in this section, the term "visitor service" means any service made available for a fee or charge to persons who visit a conservation system unit, including such services as providing food, accommodations, transportation, tours, and guides excepting the guiding of sport hunting and fishing. Nothing in this Act shall limit or affect the authority of the Federal Government or the State of Alaska to license and regulate transportation services.

The present pattern of access to and circulation within the park and preserve and the existing facilities and services for visitor use and enjoyment of the area are described below.

Existing visitor access to the Lake Clark region is by air. South-central Alaska, including Anchorage and Kenai Peninsula communities, is the departure point of most tourist travel to the park. Lake Clark is an hour's flight from Anchorage. North Pacific/Raven Air, Sea Air, and Ryan Air provide daily commercial services from Anchorage to the airport at Iliamna. From there a road, which is nearing completion, will link Iliamna with the village of Nondalton. (See also the discussion of related plans and studies in the "Consultation and Coordination" section of this report.)

In addition to scheduled airlines there are approximately 120 air taxi operators who fly directly to destination points in the park, primarily from Anchorage and the Kenai Peninsula. Finally, individual plane owners have access to traditional landing sites at Lake Clark. These include lakes, gravel bars, beaches, private airstrips, and snowfields. As many as 60 planes have been counted at one time on the beaches near Tuxedni Bay during low clam tides. Lake Clark and Merrill passes are major air corridors. There are two 5,000-foot private airstrips at Port Alsworth serving private lodges near that location. Another excellent, state maintained, airfield exists at Nondalton.

In addition to air access, barge traffic for bulk supplies is possible from Bristol Bay to Nondalton via the Kvichak River, Iliamna Lake, and the Newhalen River. A haul road also connects the Cook Inlet at Iliamna Bay to Lake Iliamna. The National Park Service does not plan any road

construction on park or preserve lands. Any road proposals which might be considered under revised statute 2477 (43 USC 932) will be resolved in a manner consistent with the enabling legislation of the park and preserve and other applicable laws.

Circulation within the park and preserve is by airplane, snowmachine, motorboat, nonmotorized vessels, dog sleds, and foot travel. No roads exist within the park and preserve. The National Park Service will manage this circulation in accordance with section 1110(a) of ANILCA, which specifies that the secretary of the interior shall permit the use of "snowmachines, motorboats, airplanes and nonmotorized surface transportation" for traditional and permitted activities and for travel to and from villages and homesites subject to reasonable regulations to protect the natural resource and other values of the units. "The use of a helicopter in any park area, other than at designated landing areas . . . pursuant to the terms and conditions of a permit issued by the superintendent, is prohibited" (36 CFR 13.13(f)).

Use of the park and preserve is low at the present time. The National Park Service estimates that there were 16,000 visits in 1983 (a visit is the entry of any person onto lands or waters administered by the Park Service). Of this total 400 were nonrecreational visits, primarily by subsistence users. Of the recreation users, nearly 3,000 were residents or nonresident landowners. This use is expected to remain relatively constant. The remainder, some 12,600 visits, represent the tourist count, which is expected to rise in the early years of the park's existence as the recreational opportunities associated with the unique natural features of the park and preserve become more widely known. (Natural features are shown on the Land Status map in the back pocket.) Depending upon economic conditions, the rate of growth should be between 5% and 10% per year. This could increase, depending upon the development of visitor facilities by the Nondalton Native Corporation at Keyes Point.

Uses of the park fall into several categories: subsistence use by local residents, sport hunting and fishing, river running, backcountry hiking and camping, sightseeing, and photography. In addition, opportunities exist for sailing, iceboating, mountain climbing, and cross-country skiing, but these activities occur infrequently at present.

Overnight visitors, other than those camping, currently stay at 11 lodges located on private lands within the park and preserve boundaries. Eight of these lodges are on the shores of Lake Clark, two are on the Cook Inlet, and one is on Crescent Lake. Two other lodges are operated on Sixmile Lake outside the preserve boundaries (see appendix K). The average lodge can house 10 people at one time and most groups are booked for a week. Lodges operate under a commercial use license. Collectively, at an average five days occupancy per week for the 17-week season, the present lodging capacity is 9,350 overnight stays.

It is expected the lodge owners will increase the size of their facilities as visits rise. Also, new lodges may be provided on other private lands. At the present time the Nondalton Native Corporation is preparing plans for real estate development on corporation lands at Keyes Point.

Nondalton is investigating lot sales for construction of recreational homes by Alaska residents on Portage Bay, and for time-sharing facilities and lodging. This is part of Nondalton's plan for economic self-determination. The National Park Service wishes to work cooperatively with the corporation to ensure harmonious development of visitor facilities and to protect the scenic environment and resources of Lake Clark (see the "Land Protection" section). Nondalton is linking this development to transportation services provided by North Pacific/Raven Air and the road access being provided between the airport at Iliamna and the village of Nondalton. This road has the potential of changing use patterns in the southern end of the preserve. Close coordination between the Nondalton Native Corporation and the park should help significantly to mitigate potential problems.

The National Park Service is also willing to work cooperatively with Cook Inlet Region, Incorporated, and its villages for tourist development of the Cook Inlet lands that may be conveyed to the natives. A "Land Use Study and Plan" developed by the National Park Service provides Cook Inlet Region, Incorporated, and the village corporations useful information and realistic land use alternatives for the lands which may be conveyed to them.

Against this background of existing use, the NPS plan for visitor access, circulation, and use of Lake Clark is as follows:

- Existing traditional patterns and means of access and circulation will be maintained (see also the "Wilderness Management" and "Subsistence" sections of the plan.) The National Park Service will not provide airstrips or roads on public lands.
- The National Park Service will rely on the private sector to provide overnight lodging and services for visitors under commercial use licenses and will not provide federal concessioner facilities on public land. In order to regulate the future number and method of commercial operations on federal lands within the park and preserve (air taxi, river trips, backcountry trips, etc.) the National Park Service may require commercial operators to have a concession permit rather than a commercial use license.
- The National Park Service will work cooperatively with the native corporations to achieve their objectives for economic self-determination and subsistence. Emphasis will be placed on protecting resource values for which the park and preserve were established. The Park Service will pursue cooperative agreements and other means of coordinating visitor use opportunities on public, native, and other private lands within the park and preserve.
- The National Park Service will seek to perpetuate the existing style of visitor use at Lake Clark, supported by visitor facilities which blend with the resources of the area.
- The National Park Service will provide information on available use opportunities, accommodations, and services, and make it available at focal points of use in the park, preserve, and surrounding region.

Modest visitor information and interpretive facilities and seasonal interpretive services will be provided at Port Alsworth and, as visitor use increases, at Keyes Point, the Tuxedni Bay area, and elsewhere in the immediate area. Similar services will also be provided at the Kenai and Iliamna airports.

- The National Park Service will develop interpretive materials and make them available through lodges and other outlets in and around the park and preserve, and it will encourage and assist those providing commercial services within the park and preserve to interpret the resources of the area for visitor enjoyment.
- The National Park Service will seek the cooperation of air taxi operators, commercial guides, scheduled airlines, lodge operators, and others providing services in the park and preserve to develop accurate and up-to-date information on the amount and trends of use. This information will be used to determine management problems associated with visitor use/resource impact correlations and potential human/wildlife conflicts. This information will enhance overall park management efforts.
- Interpretive materials will include maps indicating private lands and concerns for the rights of landowners.

LAND PROTECTION

A more detailed land protection plan will be prepared with public involvement following approval of this General Management Plan. While the National Park Service does not contemplate extensive private land purchases, it may be necessary at times to acquire certain parcels on which incompatible uses threaten the values for which the park and preserve were established or to otherwise carry out the mandates of Congress expressed in titles I, II, VII, and VIII and section 1302 of ANILCA.

Land Use Within the Park and Preserve Boundary

Several issues of land protection, management, and use are addressed by the plan. They relate to

- the future management, development, and use of state, native, and other private lands within the park and preserve, including mineral interests
- the relationship of the park and preserve with the surrounding state, native, and other landowners
- the question of desirable boundary adjustments and addition or protection of certain lands that have been discussed and contemplated in the legislative history of ANILCA

- management of navigable waters and submerged lands within the park and preserve
- trespass occupancy and use of park and preserve lands, and their impacts

ANILCA contains several important provisions regarding land protection. Section 1302 provides the general authorities for land acquisition (see appendix L). The secretary of the interior is authorized to acquire (by purchase, donation, exchange, or otherwise) any lands or interests in lands within the park or preserve. However, any lands or interests in lands owned by the state and local governments or by native village and regional corporations may be acquired only with the consent of the owners. In addition, lands owned by natives, allotted under the Alaska Native Claims Settlement Act of 1971 (ANCSA), who received title to the surface estate of lands from a village corporation as a primary place of residence, business, or subsistence campsite (section 14(c)(1) or from the secretary of the interior as a primary place of residence (section 14(h)(5)) may be acquired only with the consent of the owner unless the secretary determines that the land is no longer being used for the purpose for which it was conveyed and that the use is or will be detrimental to the purposes of the park or preserve.

It is further intended that land belonging to other private entities and otherwise acquired within the preserve or park be acquired by exchange of other public lands of similar characteristics and like value unless the owner chooses not to accept the exchange. Exchanges will be complicated by present selections and past conveyance of lands within the state. In identifying lands for exchange, the secretary of the interior will consult with the Alaska Land Use Council.

Finally, no improved property will be acquired without the consent of the owner unless such acquisition is necessary to the fulfillment of ANILCA or the purposes of the park and preserve. Where an owner of improved property consents to sell to the United States, the owner may retain a right of use and occupancy for noncommercial residential and recreational use (see appendix L).

Section 1302(i)(1) and (2) of ANILCA authorizes the secretary of the interior to acquire, by donation or exchange, state owned or validly selected lands that are contiguous to the park and preserve. Any lands so acquired will become part of the conservation system unit without reference to the 23,000-acre restriction included in minor boundary adjustments as defined in section 103(b).

Section 103(b) states that only the public land within the boundaries of any conservation system unit shall be deemed to be included as a portion of the unit. Further, the state, native, and other private lands within the boundaries are not subject to regulations applicable solely to the federal lands. However, if conveyed to the federal government under the provisions cited above, such lands will become part of the park or preserve.

A further provision exists in section 201(7)(b) of ANILCA, which states that "no lands conveyed to the Nondalton Village Coporation shall be considered to be within the boundaries of the park or preserve. If the corporation desires to convey any such lands the secretary may acquire such lands with the consent of the owner, and any such lands so acquired shall become part of the park or preserve, as appropriate."

If these lands or portions thereof are conveyed from Nondalton to the National Park Service they will become part of the preserve. Senate Report 96-413 states, regarding this language, that "this amendment does not change the boundary of the preserve but provides that the lands which the village receives pursuant to ANCSA which are not part of the village proper shall not be treated as inholdings."

A provision of ANILCA that is useful in developing a land protection and management strategy is contained in section 1301(b)(8), which requires this plan to indicate "the relationship between the management of such unit and activities being carried out in, or proposed for, surrounding areas and also indicating cooperative agreements which could or should be entered into for the purpose of improving such management."

Section 1201(j)(2) specifies that the secretary of the interior may, through a cooperative agreement, provide technical or other assistance to the landowner with respect to fire control, trespass, law enforcement, resource use, and planning. Such assistance may be provided without reimbursement if the secretary determines it would further the agreement and be in the public interest.

Section 103(a) specifies that in coastal areas the boundaries of areas added to the National Park System shall not "extend seaward beyond the mean high tide to include lands owned by the State of Alaska unless the State shall have concurred in such boundary extension and such extension is accomplished under the notice and reporting requirements of the Act."

While the Lake Clark National Park boundary map as described by Congress shows portions of the estuary of the Tuxedni River to be within the boundary of the park, the National Park Service has jurisdiction only over those lands above mean high tide. The state of Alaska has jurisdiction over tidelands and submerged lands within the boundary.

Regarding native corporation land selections within Lake Clark National Preserve, section 906(o) provides that "at such time as the entitlement of any Native Corporation to land under the Alaska Native Claims Settlement Act is satisfied, any land within a conservation unit selected by such Native Corporation shall, to the extent that such land is excess of its entitlement, become part of such unit and administered accordingly."

The Alaska Land Bank Program established in section 907 of ANILCA provides land protection incentives to private owners. Details are contained in appendix M.

The presence and kind of nonfederal land within Lake Clark is shown on the Land Status map. Apart from scattered small entries mostly around

smaller lakes within the park and preserve, the bulk of the nonfederal lands lie adjacent to the shoreline and surrounding areas of Lake Clark, particularly near the western and southern ends, and along the Cook Inlet coastline. Table 1 contains a breakdown of landownership by types, number of owners, and access.

Hydroelectric projects are not permitted on National Park System units unless specifically authorized by the Congress. There are, however, some federal power withdrawals adjacent to the park boundary which are currently being investigated by the Alaska Power Authority in cooperation with state and federal resource managers (see the discussion of related plans and studies in the "Consultation and Coordination" section of this report).

In addition to the foregoing there are nine placer mining claims, 23 lode mining claims, and one patented mining claim group of 176 acres within the park and preserve. Mining activities are regulated by state rules, the Mining in the Parks Act (PL 94-429), and federal regulations (36 CFR 9). Also, there are some 29 allotment cases that have been closed without conveyance or that are being appealed and further researched for possible conveyance.

Regarding native allotment lands, it is impossible to know at this point how many of the approximately 9,000 acres may be conveyed. The village and regional corporation land acreages in interim conveyance to date are correct except for any difference between protracted and survey acreages. The remaining village and regional corporation lands that are in application (selected) may or may not be conveyed in total; corporation entitlements may be met with lands outside Lake Clark National Park and Preserve. Nevertheless, it is expected that a considerable portion will be conveyed to the corporations.

Landownerships categorized above are distributed through the park and preserve as described below.

Along the Cook Inlet coast there are 18 patented parcels, three native allotment selections, and the Cook Inlet Region, Incorporated, and village selections. Only about 10 miles of the north shore of Chinitna Bay have not been selected.

Other than the above, the Lake Clark National Park is public land except for one and three-fourths townships of state-selected subsurface mineral rights on the eastern boundary of the park, a patented mining claim group south of Kontrashibuna Lake, seven native allotment applications on the northeast shore of Lake Clark, and two patented parcels and a native allotment on Upper Twin Lake. All are in wilderness, as is one patented tract within the preserve portion of the wilderness at Lachbuna Lake. Two other patented tracts and one native allotment are on or near the preserve wilderness boundary at Telaquana Lake and Two Lakes, and six patented claims are on the northwest shore of Lake Clark within the park but not in wilderness.

Within the remaining preserve lands, there are only a few small tract entries, other than along the shoreline of Lake Clark. All but six on the

Table 1: Landownership

<u>Type</u>	<u>Number</u>	<u>Acres</u>
Small tracts	51	1,133
Native allotments (parcels)	105	8,995
Nondalton Native Corporation, patented and interim conveyance		62,220
Bristol Bay Native Corporation, subsurface interim conveyance		70,235
Cook Inlet Region, Incorporated, interim conveyance		11,340
Cook Inlet Region, restricted mineral lands, interim conveyance		9,600
Bristol Bay Native Corporation, selected		5,800*
Nondalton Native Corporation, selected		89,785*
Pedro Bay Corporation, selected		6,984*
Iliamna Natives Limited, interim conveyance		8,015
Iliamna Natives Limited, selected		34,376*
State Grant, reserved mineral estate, selected		39,873*
Cook Inlet Villages, selected		2,836,804*
Cook Inlet Region, Incorporated, selected		1,944,751*

*NOTE: These acreages represent considerable overselection and overlap in the Nondalton locale and Cook Inlet coastal area. Final acreage to be conveyed will be much less and the pattern of ownership is not yet clear or determined.

west shore are native allotments. At Port Alsworth on the east shore there are 12 patented tracts, making it the largest aggregation of development at present on the Lake Clark shoreline. The individual natives at Port Alsworth have formed a corporation, called Tanailian, Incorporated. If this corporation is certified as a group under ANCSA, it will be entitled to 320 acres per person not to exceed 2,240 acres. Such land would be charged against the Bristol Bay Native Corporation's selection rights. The authority for this is ANILCA, section 1416 (see appendix N).

Nearly three-fourths of the shoreline of Lake Clark is in nonpublic ownership and could, given the proper economic environment and demand, be developed for a variety of uses. Native corporation lands are exempt from condemnation and could only be acquired with the consent of the owners.

Given these realities, the National Park Service's land protection strategy will be as follows:

- For wilderness preservation purposes, the National Park Service will seek to acquire, through exchange or purchase with consent of the owners, the seven native allotments along the north and northeastern shores of Lake Clark, the two patented tracts at Upper Twin Lake, one patented tract on Lachbuna Lake, another on Two Lakes, and the patented mining claim south of Kontrashibuna Lake.
- For protection of the natural landscape and park/preserve resources, the National Park Service will offer to acquire, through exchange or purchase on an opportunity basis, any of the small tract entries within areas being considered for wilderness suitability, with the lowest priority placed on commercial facilities currently serving the visitors' needs on Lake Clark.
- On the remainder of the shoreline of Lake Clark the National Park Service will examine a full range of options for protection, management, and use of existing nonfederal lands. Exchange will be given highest priority for native allotment lands if suitable exchange lands can be found.
- At Port Alsworth, the National Park Service will work with owners at their request to make the area a focus for recreational access and the provision of visitor facilities and services by the private sector. The Park Service will offer to enter into cooperative agreements with the landowners to coordinate planning services and related activities.
- With regard to Nondalton lands at Keyes Point, the National Park Service will work with the Nondalton Native Corporation in its proposed plan to provide a focus for recreational access and development. The Park Service will examine the use of cooperative agreements, the Alaska Land Bank Program, acquired easements to control density and setback of recreational facilities, and architectural standards to protect the scenic values of the Lake Clark shoreline environment.
- With regard to Nondalton Native Corporation lands and native allottees elsewhere on the Lake Clark shoreline, the National Park Service will cooperatively develop a strategy that will seek first to eliminate development or, if that proves too costly, to aggregate it in one or more areas, using the same procedural methods noted for Keyes Point.
- For Nondalton lands removed from the shoreline, the National Park Service will seek to develop a cooperative agreement with Nondalton Native Corporation to assist in management of these lands for

shareholders subsistence, recreation, or other uses that would allow for protection of important fish and wildlife habitat and scenic values. The Park Service will also consider land exchanges of landlocked parcels of NPS land along the southwest boundary of the preserve for Nondalton Native Corporation lands elsewhere, including easements on Keyes Point.

- No acquisition of private lands will be sought for areas being considered for exchange with the state.
- If lands selected by the Pedro Bay Corporation on upper Tazimina Lake are conveyed to the corporation, the National Park Service will seek to acquire the lands through exchange, purchase, or easement in order to maintain their existing undisturbed status for public use and recreation.
- In the Cook Inlet area, the National Park Service will offer to enter into cooperative agreements with Cook Inlet Region, Incorporated (for lands within the park eventually conveyed to CIRI), the state of Alaska, and Kenai Borough (under its coastal zone management program). The purpose of the agreements will be to plan for the protection, management, development, and use of the area as a potential eastern gateway to the park, while providing for the sustained use of natural resources for economic purposes, which include commercial clamming and fishing on state lands and waters. Such agreements will take into account the protection of fish and wildlife, including marine life and the habitat of the Gulf of Alaska unit of the Alaska Maritime National Wildlife Refuge.
- Gold and other minerals have been discovered recently by Cook Inlet Region, Incorporated, on their privately owned lands within the park near the Johnson River headwaters. The National Park Service will work with the native corporation and the state to ensure the continued protection of adjoining park resources, should mineral development occur in this area.
- The National Park Service will seek state cooperation to ensure that no incompatible developments or use of submerged lands within the park and preserve boundary are allowed.

Land Use Around Lake Clark National Park and Preserve

At the present time there are no activities underway on land adjacent to the park that pose significant resource problems for park management.

The Bristol Bay Cooperative Management Plan (BBCMP) has been released for public review and is expected to be approved by the summer of 1984. This plan represents a cooperative agreement of the major land managers adjacent to the park and preserve. It covers 28.2 million acres of land extending west and southwest to Bristol Bay and along the Aleutian chain. Primary land uses proposed for vast areas of tundra, foothills, lakes, and broad meandering rivers adjoining the southwest portion of Lake Clark are for fish and wildlife habitat and management, subsistence,

and wildland recreation. The lands adjacent to the park and preserve are mostly state and native selected lands with smaller amounts of native patented lands. Most adjoining lands have been selected by the state and are in the process of being conveyed. The villages of the Cook Inlet region have selected lands in the vicinity of Harriet Point, and villages of the Bristol Bay Native Corporation are gaining conveyance to lands adjoining the south preserve boundary. To the extent it is consistent with park and preserve purposes, as described by Congress, the National Park Service will join cooperative management proposals described by the plan.

The National Park Service has the specific following interests in adjoining land uses. Additional references are noted in the "Potential Boundary Adjustments" section.

- Remote settlement is shown in the BBCMP as a secondary use for the Chekok Lake area directly adjacent to the preserve boundary in a low divide that provides easy access into the upper Tazimina Lake area. This is critical moose habitat with important rutting areas closely adjacent to Chekok Lake. Development resulting in increased subsistence use and sport hunting in this area would negatively affect wildlife populations. The National Park Service will recommend against inclusion of this area in state land disposal programs.
- Remote settlement is also proposed as a secondary use in the BBCMP for the Half Cabin Lake area along the Mulchatna River. The National Park Service opposes this proposal because the settlement could adversely affect the nationally significant remote wild river character and setting of the Mulchatna River and place undue hunting and subsistence pressure on important moose habitat and winter caribou range (see the section on "Proposed Boundary Adjustments").
- Chakachamna Lake is the site of a proposed hydroelectric project that would divert water by tunnel from the lake to the upper MacArthur River some 7 miles to the southeast. This would not adversely affect the park, but inasmuch as this is an area identified in Senate Report 96-413 as a potential exchange area with the state of Alaska because of its park quality resource values, the National Park Service has a continuing interest in the development of this proposal and how it might be accommodated in or affected by any future exchange of lands.
- Both the Bureau of Land Management and the Alaska Department of Natural Resources have conducted lease sales for oil and gas in lower Cook Inlet. The state sale #35 deleted acreage from leasing within 3 miles of the Gulf of Alaska unit of the Alaska Maritime National Wildlife Refuge, and stipulations were provided for operations in sensitive areas. If oil and gas resources are found, the potential exists for onshore petroleum facilities on the west side of the inlet as well as on the east side. The Bureau of Land Management has identified Tuxedni Bay as a possible onshore treatment site if a reserve is found. Because of its potential effect on the Tuxedni Bay area, including the Gulf of Alaska unit of the

Alaska Maritime National Wildlife Refuge, and in view of the long-term prospects of the bay's becoming the eastern gateway to the park, the National Park Service is opposed to the placement of facilities at Tuxedni, particularly since the Drift River terminal, some 20 miles to the north, has additional capacity and the Nikiski facilities are considered adequate for oil development activities in Cook Inlet.

- A determination has been made that the plan is in compliance with the state Coastal Zone Management Program.

Potential Boundary Adjustments

During the passage of ANILCA the state-selected lands were excluded from the boundaries of the park and preserve. However, four areas were discussed for potential state-federal exchanges or cooperative management agreements. These were the Chilikadrotna-Mulchatna watersheds west of the preserve boundaries, the Stony River watershed lands within the preserve, the Chakachamna area adjacent to the northeast boundary of the park, and the smaller area of state lands at the east entrance of Lake Clark Pass.

The Potential Wilderness Review map, areas 6 and 9, shows the lands along the northern edge of the park and in the Stony River and Chulitna River drainages that could be considered for exchanges with the state. The boundaries of these areas are located primarily on hydrographic divides. The Chulitna lands within the preserve adjoin lands selected by the state, Bristol Bay Native Corporation, and Nondalton Native Corporation. The National Park Service favors the prospect of extending the preserve boundaries into, or otherwise protecting, the nationally significant values of the Mulchatna and Chilikadrotna watersheds.

It is the National Park Service's understanding that exchanges in the areas mentioned above may be consummated by the state and the secretary of the interior without additional legislation. However, any proposal would be submitted to the Alaska Land Use Council and the appropriate committees of Congress for their concurrence, and to the Alaska legislature as required.

The Bristol Bay Cooperative Region specifically excludes lands within the National Park System (ANILCA, section 1203).

Navigable Waters

The Submerged Lands Act of 1953 and the Alaska Statehood Act of 1958 provide for state ownership of the beds of navigable waters to the "ordinary high water mark." Determination of what waters are navigable is an ongoing process in Alaska at both the administrative and judicial levels. It seems certain that Lake Clark will be determined to be navigable.

State ownership of Lake Clark and other navigable waters is not considered to be a negative influence. The National Park Service does, however, have concerns relating to public use and resource protection of all waters within the Lake Clark region.

Lake Clark National Park and Preserve are managed to perpetuate natural ecosystem processes. Accordingly, the National Park Service would oppose any action within the exterior boundaries of the units that would alter the beds of navigable or privately owned waters or result in activities that would alter the naturally occurring composition and diversity of fish and wildlife species. Other concerns would arise over leasing activities or introduction of floating or other structures in such waters.

The National Park Service will work cooperatively with the state of Alaska to ensure that these concerns are addressed in any proposed state action affecting the navigable waters within the park and preserve.

DEVELOPMENT

The Lake Clark plan contains very little provision for federal development. During the life of this plan, the private sector will be relied upon to provide visitor use accommodations and facilities. Three management sites have been identified, two of which will require modest developments for NPS on-site management of the park and preserve. These are at Port Alsworth and at either Keyes Point or elsewhere on Nondalton land when the levels of private facility development and visitor use justify it. The Kenai management site will use leased space.

In addition, tents and platforms or other temporary shelters will be provided at various places in the park for management purposes. Costs for these are estimated at about \$2,500 each, and the cost will be borne out of park operating funds.

A major equipment need is a helicopter, which will be used primarily during the summer season for fire, search, and other emergency activities. An analysis will be made of the full cost differential between leasing and purchase, including, if purchased, pilot costs, hangar space, etc.

A preliminary estimate of the facility needs and costs of development for each management site is as follows. Housing will be required initially for at least two families, and bunkhouse space will be required for seasonals and transients involved in park management. Office space for three or four employees, including a visitor information room of about 320 square feet, will also be required. Storage space and a modest maintenance facility will also be required, along with any needed docks, walks, and other appurtenant structures. Full utilities will be provided, including sewage treatment, water, and electrical systems. Class C estimates, based upon relative costs for similar construction in Alaska, are shown in table 2. Before facilities are provided a development concept plan and detailed design drawings will be prepared to refine requirements and costs.

Table 2: Field Management Site Development Summary

Port Alsworth

- Staff housing	
2 single-family units (1,100 sq ft ea)	\$275,000
- Seasonal bunkhouse (1,200 sq ft)	150,000
- Community building (625 sq ft)	78,125
- Maintenance building (2,000 sq ft)	<u>250,000</u>
	\$753,125

Nondalton

- Office/visitor information center (1,000 sq ft)	\$125,000
- Staff housing	
2 single-family units (1,100 sq ft ea)	275,000
- Seasonal bunkhouse (1,200 sq ft)	150,000
- Community building (625 sq ft)	78,125
- Maintenance building (2,000 sq ft)	250,000
- Utilities: electric power, sewage treatment, well and water system	<u>35,000</u>
	\$913,125

These facilities would be programmed and built only as area management needs dictated. Possibilities for long-term lease of similar facilities already developed on private lands in these areas may or may not be available in the future. Long-term leases might be less costly.

Cost estimates were based upon similar construction project experience in Alaska. This experience indicates that new structures built in rural Alaska cost approximately \$125 per square foot when completed by National Park Service laborers. Contract costs could be substantially higher.

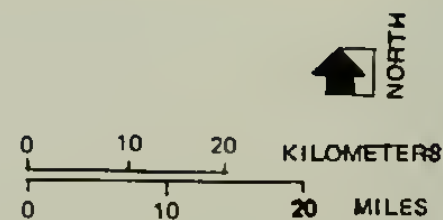
The costs are included as estimates, as required by PL 95-625 and ANILCA. These figures will not be used for budgetary purposes. Developments will be phased over the life of the plan, and no commitment to build using line-item construction funds will be made until an item is prioritized and included in the NPS servicewide multiyear construction program. Up-to-date cost estimates will be prepared at that time and funds will be requested through the congressional appropriation process.

PLAN IMPLEMENTATION

Implementation of the plan will be phased, and costs will be borne primarily through existing operating funds, except that construction funds will be used for the provision of the NPS management facilities described in the "Development" section.



DISTRICTS AND DEVELOPMENT



LAKE CLARK NATIONAL PARK
AND PRESERVE / ALASKA
United States Department of the Interior /
National Park Service

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Implementation of the plan will stress the placing of early, but not exclusive, emphasis on the following:

- complete, implement, and update the resource management plan (the National Park Service will work closely with the state of Alaska and the local subsistence commission to determine the present level and kind of subsistence use and to develop guidelines for such uses at Lake Clark.)
- continue negotiations with the Nondalton Native Corporation to coordinate development of corporation lands
- establish a permanent presence in the area, develop seasonal ranger stations, and provide information about the park and preserve
- work with the private sector, including lodge proprietors, air taxi operators, commercial hunting guides, and others serving the area, to coordinate information and services while developing good statistics on area use and trends

Throughout this plan there has been heavy emphasis on cooperation between the federal, state, and private entities. This is required for effective area management under several ANILCA provisions. Field level operations to date have been accomplished with a great deal of cooperative effort in such areas as fish and game management, search and rescue, fire management, and law enforcement. Under this plan, these activities will continue and expand to meet area resource and visitor needs.

Through this process the purposes for which Lake Clark National Park and Preserve were established can be recognized.

MANAGEMENT CONSIDERATIONS

Since enactment of Lake Clark National Park and Preserve on December 2, 1980, progress has been made in establishing basic NPS operations within the area. A start-up permanent staff has been assigned; resource inventory and management, visitor protection, maintenance, and administrative programs have been initiated, and basic planning is underway. During the life of this plan (5 to 10) years, this work will continue and expand to meet resource management, local resident, and visitor needs. It is anticipated, however, that progress will be gradual and designed to meet specific actions outlined in the plan.

The park and preserve headquarters will remain in Anchorage for the life of this plan. This is required for effective administration and coordination with major landowners and managers both within and adjacent to the area's boundary, whose offices are in Anchorage. Field stations will be established at Kenai, Port Alsworth, and Nondalton. Seasonal outposts will be at Lower Twin Lakes and on the coast (see "Development" section).

Listed below is a staffing summary:

Superintendent	GS-13
*Management Assistant	GS-12
Chief of operations	GS-12
Resource management specialist	GS-11
*District ranger	GS-11 (3)
*Interpreter	GS-11
Administrative technician	GS-7
*Maintenance worker	WG-9
*Clerk typist	GS-4
*Seasonal rangers (additional positions)	GS-4, 5, and 6 (8-10)

Seasonal maintenance workers, laborers, etc., to meet project needs

This level of operations is expected to require an annual operating budget of approximately \$795,000. This represents an increase of approximately 50 percent over the 1984 annual operating budget, which was \$527,000 (\$292,000 for personnel and the remainder for OAS aircraft and supplies). With the required staffing increase, salaries will increase to approximately \$450,000, and other items in the annual operating budget are expected to increase proportionately.

Section 1308 of ANILCA provides for persons to be hired directly from local communities. This authority has been used effectively. In 1983 seven persons were hired from Nondalton and Port Alsworth. Two were recently selected for permanent positions (a park ranger and a carpenter).

Of the seven, five are natives. In the future this local hire authority will be utilized to the fullest extent commensurate with the special knowledge, skills, and abilities possessed by local residents and with available funds.

To the fullest extent possible the Volunteers in the Parks program will also be utilized. Many volunteers are from local communities. In 1983 ten persons donated their time and talents to assist in park programs.

Implementation of this plan will be phased as positions and funds allow and NPS needs are anticipated.

*Position is not currently funded.

PART 3: ENVIRONMENTAL CONSEQUENCES OF
THE PLAN AND ALTERNATIVES CONSIDERED

THE PLAN

The plan is predicated on managing the park and preserve as part of a larger ecosystem of wild lands. It calls for cooperation with the state of Alaska, native corporations, private businesses, and commercial operators to provide for the management and use of resources within the federal lands and private or nonfederal lands both in and exterior to the park and preserve boundaries. It calls for extensive study and research in order to manage ecosystem habitat and ensure natural and healthy populations of fish and wildlife. It is a minimum development plan in terms of federal construction, calling only for the establishment of three field management sites, other visitor information sites, and seasonal tent platforms for management of remote areas. It will utilize technical assistance, cooperative agreements, and other means of seeking to ensure that nonfederal lands within the park and preserve boundaries are managed in a manner as harmonious as possible with the purposes of the park and preserve. It seeks minimum acquisition of targeted lands to protect wilderness values and certain areas of outstanding value for both resource protection and visitor enjoyment.

The environmental consequences of this course of action are as follows:

- The plan predicates management actions on a thorough understanding of the park and preserve's natural systems, to be gained through a comprehensive program of research and monitoring. Knowledge about the environment will enable managers to distinguish natural trends, identify trends of degradation caused by modern activity, and take remedial action before the trends become irreversible or result in the loss of key resources. In addition, the studies will add to the compendium of knowledge of subarctic America, which has applications beyond the boundaries of the park and preserve.
- Cultural resources will be identified and evaluated, and significant resources will be protected. However, a small amount of archeological or historical information can be expected to be lost from the test excavations.
- The proposed management strategy will provide for the continued interplay between natural processes and human activities that has been shaping the area for the past several hundred years, while also allowing for increases in recreational use. Increased use can be expected to result in similar increases in the following impacts:

- consumption of plant and animal resources
- trampling of vegetation in heavily used areas
- use of firewood
- incidence of human-caused fires
- wildlife disturbance and bear-human conflicts
- potential for water contamination from human waste

visitors' awareness and enjoyment of a wider variety of recreational activities
incidence of accidents
conflicts between types of park uses
disruption of local lifestyles
opportunities for employment and cash income for local individuals and businesses

- The amount of past and current use has not been quantified sufficiently to project a precise trend into the future for these increases. However, because of the limited access and expense of reaching the area for outdoor recreation, the increases are expected to be gradual for the next 5 to 10 years, and annual visitation may not rise above 50,000 for many years.
- Visitor safety in the event of an accident will be improved by more immediate emergency response capability. Cession by the state of Alaska of concurrent jurisdiction would allow park rangers to act in a legal and decisive manner when happening upon violations of laws in remote backcountry areas, where assistance and advice from other officials or agencies are often several days away.
- Construction activities at the field management site at Port Alsworth will directly affect about 4 acres of moist sedge tundra; less than 1 acre of this vegetation and about 10 spruce trees will be destroyed by the placement of buildings. To the extent that they are not screened by vegetation, the structures, boats, and airplanes at the site will present a man-made intrusion on the natural scene. Similar impacts will be expected at the field management site at Nondalton.
- No adverse effect on surfacewater or groundwater quality will result from disposal of treated sewage effluent; however, despite the best of care, some minor amounts of petroleum products will enter the lake from boat operation and accidental fuel spills. Air quality will be degraded to a minor degree by emissions from heating stoves, trash burning, and airplane and boat exhausts.
- Cooperative agreements with adjacent landowners and land managers will lead to more compatible land uses within ecosystems that cross property lines. Including private lands in the land bank program established under ANILCA will provide for resource protection while allowing the private sector to profit from the provision of compatible developments and services, and it will reduce the need for the federal government to provide visitor services.
- The opportunity to pursue a subsistence lifestyle will be perpetuated by this plan. Natural and cultural resources will be managed to protect and preserve traditional types of subsistence activities.
- Wilderness qualities will be protected by the minimal acquisition of targeted private lands and by cooperative management of other nonfederal lands within the park.

Compliance determinations are as follows:

- The proposal is in compliance with Executive Order 11988, Floodplain Management (3 CFR 121, supp. 1977), and Executive Order 11990, Protection of Wetlands (3 CFR 121, supp. 1977); therefore, a statement of findings is not required.
- No actions will directly affect the coastal area of the park, the estuary of Cook Inlet, marine sanctuaries, or marine mammals. The plan is thus in conformity with the Estuary Protection Act (16 USC 1221 et seq.); the Marine Protection, Research, and Sanctuaries Act of 1972 (16 USC 1361 et seq.); the Marine Mammal Protection Act (16 USC 1361 et seq.); and the Coastal Zone Management Act (16 USC 1451 et seq.). A determination has been made that the Lake Clark National Park and Preserve General Management Plan is consistent with the Alaska Coastal Zone Management Program for the region.
- The increments of water and air pollution will be too small to measure or to require compliance with the Clean Water Act (33 USC 1251 et seq.) or the Clean Air Act. Water drawn for human consumption will be treated to meet state and federal standards in conformity with the Safe Drinking Water Act.
- There are no federally listed threatened or endangered species of plants or animals known to live in, or depend for their existence on, habitats within the park or preserve. Thus, the biological assessment and formal consultation procedures of the U.S. Fish and Wildlife Service are not required for compliance with the Endangered Species Act.
- No prime or unique farmlands will be adversely affected by the plan.
- In accordance with the National Historic Preservation Act of 1966 (16 USC 470 et seq.) and with Executive Order 11593, Protection and Enhancement of the Cultural Environment, the plan proposes surveys to identify and evaluate cultural resources on federal lands within the park and preserve. Future actions that affect cultural resources will conform to NPS management guidelines and comply with the requirements of section 106 of the National Historic Preservation Act of 1966.
- The plan relies upon the stipulations of existing laws and regulations and thus will have no regulatory effect.
- As specific studies, surveys, coordination, and consultation efforts are completed and as specific implementation proposals result, environmental assessments will be prepared for those major federal actions.

EXPANDED DEVELOPMENT AND MANAGEMENT ALTERNATIVE

The expanded development alternative presumes rapid changes in existing conditions that could bring heavy recreation demands to the park and

preserve within the next 10 years. To meet these increased demands for recreation and visitor services and to provide for increased resource protection this alternative would expand upon the actions of the plan.

The National Park Service would seek to establish an exclusive system of visitor access and use, relying on concessioners on federal lands to provide facilities for the visitor and seeking a strong degree of control over all commercial recreation services within the park and preserve. This would require less emphasis on cooperation and coordination with native corporations and private landowners, allowing them to pursue their own interests on their lands without a great deal of concern for possible impacts on resources and resource values held in common or the quality of the park experiences. Land protection and acquisition efforts would have the effect of appearing to partition the lands and waters into two realms--one a federal park and preserve emphasizing its own federally developed system for access and use, and the other a system of large private enclaves within the exterior boundaries that would pursue their own program of development and use of their resources with minimal coordination or common objectives.

The potential impacts of the alternative would be as follows:

- The impacts of development and visitor use would be greater under this alternative. The expanded development alternative assumes annual visitation rapidly reaching about 100,000 within the decade. This visitor use would not be dispersed evenly throughout the park and preserve but would be concentrated at developed areas and at small areas with site-specific attractions. The dual system of development of both private and federal lands would result in more areas being disturbed by construction and concentrated use.
- Construction of facilities and disturbances such as trampling around buildings, campsites, and trails would substantially reduce vegetation on more than 100 acres. The concession and administrative facilities would all be developed in wetland, floodplain, or coastal areas. The construction and use of the proposed facilities would not have a significant adverse effect on the natural productivity of these sensitive areas, but it would encourage further development in these productive ecosystems. Also, the chance of human-caused fires would substantially increase. Wildlife would be seriously disturbed at developed sites and around popular lakes by the presence of large numbers of people, aircraft, and boats. Large numbers of hunters and anglers might stress fish and game populations and could lead to stricter fish and game regulations.
- The increased numbers of people in the backcountry would increase the potential for surface water contamination from human wastes and pose a health hazard to backcountry visitors. Water for human consumption at developed sites would be treated to conform with state and federal regulations.
- The buildings, trails, campgrounds, aircraft, and boats would be visual intrusions on the natural landscape. Air traffic would intrude visually and audibly on the natural scene throughout the park and preserve, but especially in the vicinities of development sites.

- Concession contractors and permittees would benefit economically from the increased demand for visitor services. Native corporations and local residents would be given preference in awarding concession contracts. Opportunities for new tourist businesses to become established in the area would decrease because the National Park Service would provide for visitor facilities and services on federal lands within the park and preserve.
- The increase in recreation-related job opportunities would bring new families into the area as permanent residents while also reducing out-migration. An increase in the resident population, combined with the large increase in transient visitors, could upset the accepted pattern of daily living in the local communities. More people would require improved trash and sewage disposal and expanded water, fuel, and electrical development. Demands upon natural resources used for subsistence would also increase.
- Lack of coordination with the native corporations and the private sector could lead to greater developmental impacts on the resources of the park and preserve, the visual qualities of the environment of the Lake Clark shoreline, and the quality of the visitor experience. Lack of coordination and a dual system of development and use could lead to ill feelings between the National Park Service and other landowners within the unit.
- Land protection efforts would be hampered by a lack of common objectives or means of coordination.

Compliance determinations for this alternative are as follows:

- Implementation of this alternative would require a determination of consistency with the state's coastal zone management program and the preparation of a statement of findings by the director of the National Park Service concerning the developments in wetlands and floodplains.
- Compliance with the National Historic Preservation Act would be the same as described for the plan. There would be no effect on marine mammals, marine sanctuaries, prime or unique farmlands, estuaries, or threatened or endangered species.

NO-ACTION ALTERNATIVE

The no-action alternative would provide no additional field management facilities in the park or preserve nor an increase in staff. It would include a continuing program of natural resource research and management. Visitor services would be provided by the private sector with only minimal efforts made at determining the level of use or coordinating the time/place and amount of use or mitigating its impact on resources. No effort would be made to coordinate the development of native or other private lands within the park and preserve boundaries. No acquisition of land would be considered. Cooperation with outside agencies and other parties would be minimal.

The consequences of this course of action would be as follows:

- The activities permitted under this alternative would be largely custodial and discretionary in nature. By definition they would be limited to those actions which do not hold the potential for causing significant environmental change and are therefore categorical exclusions from the National Environmental Policy Act of 1969, as amended (42 USC 4321 et seq.).
- Aside from day-to-day operations, managers would base their actions on their individual interests and perceptions of need. One day's problem would not necessarily be resolved before activity had to be diverted to another. Studies would not necessarily precede the perceived need to act, and managers would often have to make decisions without the data needed to predict consequences. Actions to create significant beneficial change to offset adverse influences could not be taken. Patterns of use would develop and become difficult to change if they proved to be adverse to the purposes of the park and preserve.
- Lack of coordination with the private sector would result in developments on nonfederal lands, particularly on the Lake Clark shoreline, that would adversely affect both the resources and the quality of the visitor experience.
- Wilderness qualities could be compromised by lack of acquisition or other protection of a relatively few parcels of private land within the existing wilderness boundaries.

CONSULTATION AND COORDINATION

RELATED PLANS AND STUDIES

In 1974 a Master Plan and Final Environmental Impact Statement (FES 75-27) were approved for the management of national interest lands in the Lake Clark area, which at that time were being considered by Congress for establishment as a national park. In 1978 the impact statement was supplemented by Alternative Administrative Actions, Alaska National Interest Lands. This supplement took a hard look at new information and circumstances relevant to environmental concerns and evaluated the consequences of establishing the area as a national monument by presidential proclamation. The 1974 Master Plan has been reduced in scope and tailored to the boundaries and requirements of ANILCA and is represented by the expanded development alternative in this environmental assessment.

The Alaska Native Claims Settlement Act (43 USC 3101 et seq.) directed a study and plan of the potential uses of selected lands along the western shore of Cook Inlet, including native corporation and village selected lands within the southeastern portion of the park. This study was completed by the NPS Alaska Regional Office in September 1982. Potential activities that were evaluated included oil and gas exploration, commercial fishing and clamming, subsistence activities, sport hunting and fishing, recreation and tourism, timber harvest, mineral extraction, retention in land bank status, and lease or sale.

The Bureau of Land Management is preparing a land use plan for its southwest planning area. The 2.8-million-acre Lime Village planning block of this area lies between the town of Medfra on the north and Whitefish Lake on the south. The southern portion of the planning block is bisected by the Stony River about 35 miles west of the northern part of the preserve. The draft plan indicates that human use will be seasonal in the portions of the planning block closest to the preserve and that it will be managed primarily as caribou range.

In ANILCA Congress directed the secretary of the interior and the governor of Alaska to prepare a comprehensive and systematic cooperative management plan for the Bristol Bay region, which includes the lands immediately adjacent to the preserve and park on the west and south. The primary purpose of this plan is to conserve the fish and wildlife and other significant natural and cultural resources while providing for the rational and orderly development of economic resources in an environmentally sound manner. The plan will also identify lands that may be appropriate for addition to national conservation system units and provide for land exchanges among federal, state, and other public or private owners if appropriate. This plan is in its final stage and is scheduled for completion in 1984. The planning team for Lake Clark National Park and Preserve carefully considered the draft Bristol Bay Cooperative Management Plan and worked with key members of the BBCCMP team to ensure compatibility of plans and programs to the greatest extent possible.

The 1981 Alaska legislature and the governor appropriated funds to study the completion of a road from Iliamna to Nondalton. The consensus of local residents was favorable and a road design and cost estimate were developed. Road construction funds were then requested of the state. The road will bridge the Newhalen River near Nondalton. A pioneer road was constructed from Iliamna to the bridge crossing site in 1983. Funds have been requested of the state legislature to complete the road and install a bridge to Nondalton in 1984. In future years, Nondalton plans to extend this road to its properties on Keyes Point. This section would be built entirely on private lands.

The Alaska Power Authority has conducted feasibility studies for a Tazimina hydroelectric project in the southern portion of the preserve. These studies were done as part of the Bristol Bay regional power plan. Another alternative being considered would entail diversion of the Newhalen River and construction of a powerhouse near Iliamna. Construction of any hydroelectric project in the area would require road construction and transmission lines. The lands immediately involved are no longer under federal management. They are native selected lands for which an interim conveyance has been granted and/or they are outside the park and preserve boundaries.

Activities may begin during the next few years to develop the Beluga coal field northeast of the park. The present network of transmission, timber, and seismic roads would be expanded by the addition of a coal transportation system. Beyond this the area holds the potential for the construction of a coal gasification plant, a fossil fuel power plant, and a surface transportation connection with the Anchorage area. Where possible, the National Park Service will actively participate in those plans which may affect the park environment and the quality of its airshed.

The Alaska Land Use Council staff, with the endorsement of the council, formed a work group in early 1982 to look into issues related to the accessibility and cooperative management of components of the National Wild and Scenic Rivers System in Alaska. The National Park Service was the lead agency for this effort. Other agencies participating on the work group included the U.S. Fish and Wildlife Service, Bureau of Land Management, U.S. Forest Service, Alaska Department of Natural Resources, Alaska Department of Fish and Game, Alaska Department of Transportation and Public Facilities, and Alaska Federation of Natives.

The U.S. Geological Survey will complete a geologic and mineral potential map of the Lake Clark quadrangle in 1984. The Survey is also conducting a study of volcanic hazards along Cook Inlet and will publish a geologic map of Redoubt Volcano in 1984. Future studies will include Augustine, Iliamna, and Spurr volcanoes.

Section 805 of ANILCA directs that all federal lands in Alaska be divided into at least six subsistence regions. Each region is to have a regional advisory council and as many local advisory committees as needed. Each regional council is to submit annual reports to the secretary of the interior containing descriptions of regional subsistence uses, needs, strategies, and recommendations. The first such reports were due December 2, 1982.

Section 808 of ANILCA further directs that a subsistence commission be set up for each national park or national monument that allows subsistence hunting. The commissions are to be composed of three members of the regional subsistence councils or local subsistence committees who are subsistence users of the park or monument, three members appointed by the governor, and three members appointed by the secretary of the interior. Each commission is to devise and recommend to the governor and the secretary a program for subsistence hunting within the park or monument. The first subsistence hunting programs were due July 2, 1982. As stated in ANILCA, section 808, the subsistence hunting program for Lake Clark National Park

shall be prepared using technical information and other pertinent data assembled or produced by necessary field studies or investigations conducted jointly or separately by the technical and administrative personnel of the State and the Department of the Interior, information submitted by, and after consultation with, the appropriate local advisory committees and regional advisory councils, and any testimony received in a public hearing or hearings held by the commission prior to preparation of the plan at a convenient location or locations in the vicinity of the park. The Secretary shall promptly implement the program and recommendations submitted to him by each commission unless he finds in writing that such program or recommendation violates recognized principles of wildlife conservation, threatens the conservation of healthy populations of wildlife in the park or park monument, is contrary to the purposes for which the park or park monument is established, or would be detrimental to the satisfaction of subsistence needs of local residents.

AGENCIES AND PERSONS CONSULTED

The National Park Service issued a notice of intent to prepare an environmental assessment for the Lake Clark general management plan in a press release to the Alaska news media on July 15, 1981, and in the Federal Register on July 22, 1981. In addition the announcement was mailed to individuals and organizations with a known interest in the future of the national park and preserve. This announcement invited the general public and interested organizations and agencies to aid the National Park Service in scoping out the critical environmental issues to be addressed, to provide basic information, and to provide suggestions for alternative approaches to managing the park and the preserve.

In May of 1982, the National Park Service completed and distributed a Lake Clark General Management/Development Concept Plan and Environmental Assessment. Over 700 copies were distributed to state and national organizations, interest groups, and private individuals. Public meetings were held at Port Alsworth and Anchorage. Comments were received and considered in the preparation of a General Management Plan completed in December 1982.

Various interested publics expressed concern that their comments had not been considered in this plan or that they had not been adequately consulted. This led to further review and comment by members of the Alaska Land Use Council during the course of several of its regular meetings.

A decision was made by the National Park Service to reconsider the content of the December 1982 plan and the comments received through 1983. Extensive consultation has been conducted with members of the Alaska Land Use Council in the preparation of this final plan. Those primarily involved have been representatives for the Alaska Federation of Natives and the state of Alaska. Their input has been particularly helpful in the preparation of this final document.

APPENDIXES

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SEC. 1301. (a) Within five years from the date of enactment of this Act, the Secretary shall develop and transmit to the appropriate Committees of the Congress a conservation and management plan for each of the units of the National Park System established or to which additions are made by this Act.

(b) NATIONAL PARK SERVICE PLAN REQUIREMENTS.—Each plan for a unit established, redesignated, or expanded by title II shall identify management practices which will carry out the policies of this Act and will accomplish the purposes for which the concerned National Park System unit was established or expanded and shall include at least the following:

(1) Maps indicating areas of particular importance as to wilderness, natural, historical, wildlife, cultural, archeological, paleontological, geological, recreational, and similar resources and also indicating the areas into which such unit will be divided for administrative purposes.

(2) A description of the programs and methods that will be employed to manage fish and wildlife resources and habitats, cultural, geological, recreational, and wilderness resources, and how each conservation system unit will contribute to overall resources management goals of that region. Such programs should include research, protection, restoration, development, and interpretation as appropriate.

(3) A description of any areas of potential or proposed development, indicating types of visitor services and facilities to be provided, the estimated costs of such services and facilities, and whether or not such services and facilities could and should be provided outside the boundaries of such unit.

(4) A plan for access to, and circulation within, such unit, indicating the type and location of transportation routes and facilities, if any.

(5) A description of the programs and methods which the Secretary plans to use for the purposes of (A) encouraging the recognition and protection of the culture and history of the individuals residing, on the date of the enactment of this Act, in such unit and areas in the vicinity of such unit, and (B) providing and encouraging employment of such individuals.

(6) A plan for acquiring land with respect to such unit, including proposed modifications in the boundaries of such unit.

(7) A description (A) of privately owned areas, if any, which are within such unit, (B) of activities carried out in, or proposed for, such areas, (C) of the present and potential effects of such activities on such unit, (D) of the purposes for which such areas are used, and (E) of methods (such as cooperative agreements and issuance or enforcement of regulations) of controlling the use of such activities to carry out the policies of this Act and the purposes for which such unit is established or expanded.

(8) A plan indicating the relationship between the management of such unit and activities being carried out in, or proposed for, surrounding areas and also indicating cooperative agreements which could and should be entered into for the purpose of improving such management.

(c) **CONSIDERATION OF FACTORS.**—In developing, preparing, and revising a plan under this section the Secretary shall take into consideration at least the following factors:

(1) The specific purposes for which the concerned conservation system unit was established or expanded.

(2) Protection and preservation of the ecological, environmental, wildlife, cultural, historical, archeological, geological, recreational, wilderness, and scenic character of the concerned unit and of areas in the vicinity of such unit.

(3) Providing opportunities for Alaska Natives residing in the concerned unit and areas adjacent to such unit to continue performing in such unit activities which they have traditionally or historically performed in such unit.

(4) Activities being carried out in areas adjacent to, or surrounded by, the concerned unit.

(d) **HEARING AND PARTICIPATION.**—In developing, preparing, and revising a plan under this section the Secretary shall hold at least one public hearing in the vicinity of the concerned conservation unit, hold at least one public hearing in a metropolitan area of Alaska, and, to the extent practicable, permit the following persons to participate in the development, preparation, and revision of such plan:

(1) The Alaska Land Use Council and officials of Federal agencies whose activities will be significantly affected by implementation of such plan.

(2) Officials of the State and of political subdivisions of the State whose activities will be significantly affected by implementation of such plan.

(3) Officials of Native Corporations which will be significantly affected by implementation of such plan.

(4) Concerned local, State, and National organizations and interested individuals.

B: FINAL RULES ON PUBLIC USES OF NATIONAL PARK SYSTEM
UNITS IN ALASKA (36 CFR 13)

- Sec.
 13.63 Denali National Park and Preserve.
 13.64 Gates of the Arctic National Park and Preserve.
 13.65 Glacier Bay National Park and Preserve.
 13.66 Katmai National Park and Preserve.
 13.67 Kenai Fjords National Park.
 13.68 Klondike Gold Rush National Historical Park.
 13.69 Kobuk Valley National Park.
 13.70 Lake Clark National Park and Preserve.
 13.71 Noatak National Preserve.
 13.72 Sitka National Historical Park.
 13.73 Wrangell-St. Elias National Park and Preserve.
 13.74 Yukon-Charley Rivers National Preserve.

Authority: Sec. 3 of the Act of August 15, 1916 (39 Stat. 535, as amended (16 U.S.C. 3); 16 U.S.C. 1, 1a-1, 1c, 462); Alaska National Interest Lands Conservation Act (ANILCA), 94 Stat. 2371 and 1281; Pub. L. No. 96-487 (December 2, 1980); and the Paperwork Reduction Act of 1980, 94 Stat. 2812, Pub. L. No. 96-511.

Subpart A—Public Use and Recreation

§ 13.1 Definitions.

The following definitions shall apply to all regulations contained in this part:

(a) The term "adequate and feasible access" means a reasonable method and route of pedestrian or vehicular transportation which is economically practicable for achieving the use or development desired by the applicant on his/her non-federal land or occupancy interest, but does not necessarily mean the least costly alternative.

(b) The term "aircraft" means a machine or device that is used or intended to be used to carry persons or objects in flight through the air, including, but not limited to airplanes, helicopters and gliders.

(c) The term "ANILCA" means the Alaska National Interest Lands Conservation Act (94 Stat. 2371; Pub. L. 96-487 (December 2, 1980)).

(d) The term "carry" means to wear, bear or carry on or about the person and additionally, in the case of firearms, within or upon a device or animal used for transportation.

(e) The term "downed aircraft" means an aircraft that as a result of mechanical failure or accident cannot take off.

(f) The term "firearm" means any loaded or unloaded pistol, revolver, rifle, shotgun or other weapon which will or is designated to or may readily be converted to expel a projectile by the action of expanded gases, except that it does not include a pistol or rifle powered by compressed gas. The term "firearm" also includes irritant gas devices.

(g) The term "fish and wildlife" means any member of the animal kingdom,

PART 13—NATIONAL PARK SYSTEM UNITS IN ALASKA

Subpart A—Public Use and Recreation

- Sec.
 13.1 Definitions.
 13.2 Applicability and scope.
 13.3 Penalties.
 13.4 Information collection.
 13.10 Snowmachines.
 13.11 Motorboats.
 13.12 Nonmotorized surface transportation.
 13.13 Aircraft.
 13.14 Off-road vehicles.
 13.15 Access to inholdings.
 13.16 Temporary access.
 13.17 Cabins and other structures.
 13.18 Camping and picnicking.
 13.19 Weapons, traps and nets.
 13.20 Preservation of natural features.
 13.21 Taking of fish and wildlife.
 13.22 Unattended or abandoned property.
 13.30 Closure procedures.
 13.31 Permits.

Subpart B—Subsistence

- 13.40 Purpose and policy.
 13.41 Applicability.
 13.42 Definitions.
 13.43 Determination of resident zones.
 13.44 Subsistence permits for persons who permanently reside outside a resident zone.
 13.45 Prohibition on aircraft use.
 13.46 Use of snowmobiles, motorboats, dog teams, and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses.
 13.47 Subsistence fishing.
 13.48 Subsistence hunting and trapping.
 13.49 Subsistence use of timber and plant material.
 13.50 Closure to subsistence uses.
 13.51 Application procedures for subsistence permits and aircraft exceptions.

Subpart C—Special Regulations—Specific Park Areas in Alaska

- 13.60 Aniakchak National Monument and Preserve.
 13.61 Bering Land Bridge National Preserve.
 13.62 Cape Krusenstern National Monument.

including without limitation any mammal, fish, bird (including any migratory, nonmigratory or endangered bird for which protection is also afforded by treaty or other international agreement), amphibian, reptile, mollusk, crustacean, arthropod, or other invertebrate, and includes any part, produce, egg, or offspring thereof, or the dead body or part thereof.

(h) The term "fossil" means any remains, impression, or trace of any animal or plant of past geological ages that has been preserved, by natural processes, in the earth's crust.

(i) The term "gemstone" means a silica or igneous mineral including, but not limited to (1) geodes, (2) petrified wood, and (3) jade, agate, opal, garnet, or other mineral that when cut and polished is customarily used as jewelry or other ornament.

(j) The term "National Preserve" shall include the following areas of the National Park System:

Alagnak National Wild and Scenic River, Aniakchak National Preserve, Bering Land Bridge National Preserve, Denali National Preserve, Gates of the Arctic National Preserve, Glacier Bay National Preserve, Katmai National Preserve, Lake Clark National Preserve, Noatak National Preserve, Wrangell-St. Elias National Preserve, and Yukon-Charley National Preserve.

(k) The term "net" means a seine, weir, net wire, fish trap, or other implement designed to entrap fish, except a landing net.

(l) The term "off-road vehicle" means any motor vehicle designed for or capable of crosscountry travel on or immediately over land, water, sand, snow, ice, marsh, wetland or other natural terrain, except snowmachines or snowmobiles as defined in this chapter.

(m) The term "park areas" means lands and waters administered by the National Park Service within the State of Alaska.

(n) The term "person" means any individual, firm, corporation, society, association, partnership, or any private or public body.

(o) The term "possession" means exercising dominion or control, with or without ownership, over weapons, traps, nets or other property.

(p) The term "public lands" means lands situated in Alaska which are federally owned lands, except—

(1) land selections of the State of Alaska which have been tentatively approved or validly selected under the Alaska Statehood Act (72 Stat. 339) and lands which have been confirmed to, validly selected by, or granted to the Territory of Alaska or the State under any other provision of Federal law;

(2) land selections of a Native Corporation made under the Alaska Native Claims Settlement Act (85 Stat. 688) which have not been conveyed to a Native Corporation, unless any such selection is determined to be invalid or is relinquished; and

(3) lands referred to in section 19(b) of the Alaska Native Claims Settlement Act.

(q) The term "snowmachine" or "snowmobile" means a self-propelled vehicle intended for off-road travel primarily on snow having a curb weight of not more than 1,000 pounds (450 kg), driven by a track or tracks in contact with the snow and steered by a ski or skis on contact with the snow.

(r) The term "Superintendent" means any National Park Service official in charge of a park area, the Alaska Regional Director of the National Park Service, or an authorized representative of either.

(s) The term "take" or "taking" as used with respect to fish and wildlife, means to pursue, hunt, shoot, trap, net, capture, collect, kill, harm, or attempt to engage in any such conduct.

(t) The term "temporary" means a continuous period of time not to exceed 12 months, except as specifically provided otherwise.

(u) The term "trap" means a snare, trap, mesh, or other implement designed to entrap animals other than fish.

(v) The term "unloaded" means there is no unexpended shell or cartridge in the chamber or magazine of a firearm; bows, crossbows and spearguns are stored in such a manner as to prevent their ready use; muzzle-loading weapons do not contain a powder charge; and any other implement capable of discharging a missile into the air or under the water does not contain a missile or similar device within the loading or discharging mechanism.

(w) The term "weapon" means a firearm, compressed gas or spring powered pistol or rifle, bow and arrow, crossbow, blow gun, speargun, hand thrown spear, slingshot, explosive device, or any other implement designed to discharge missiles into the air or under the water.

§ 13.2 Applicability and scope.

(a) The regulations contained in this Part 13 are prescribed for the proper use and management of park areas in Alaska and supplement the general regulations in this chapter. The general regulations contained in this chapter are applicable except as modified by this Part 13.

(b) Subpart A of this Part 13 contains regulations applicable to park areas. Such regulations amend in part the

general regulations contained in this chapter. The regulations in Subpart A govern use and management, including subsistence activities, within the park areas, except as modified by Subparts B or C.

(c) Subpart B of this Part 13 contains regulations applicable to subsistence activities. Such regulations apply to park areas except Kenai Fjords National Park, Katmai National Park, Glacier Bay National Park, Klondike Gold Rush National Historical Park, Sitka National Historical Park, and parts of Denali National Park. The regulations in Subpart B amend in part the general regulations contained in this chapter and the regulations contained in Subpart A of this Part 13.

(d) Subpart C of this Part 13 contains special regulations for specific park areas. Such regulations amend in part the general regulations contained in this chapter and the regulations contained in Subparts A and B of this Part 13.

(e) The regulations contained in this Part 13 are applicable only on federally owned lands within the boundaries of any park area. For purposes of this part, "federally owned lands" means land interests held or retained by the United States, but does not include those land interests: (1) Tentatively approved, legislatively conveyed, or patented to the State of Alaska; or (2) interim conveyed or patented to a Native Corporation or person.

§ 13.3 Penalties.

Any person convicted of violating any provision of the regulations contained in this Part 13, or as the same may be amended or supplemented, may be punished by a fine not exceeding \$500 or by imprisonment not exceeding 6 months, or both, and may be adjudged to pay all costs of the proceedings (16 U.S.C. 3).

§ 13.4 Information collection.

The information collection requirements contained in §§ 13.13, 13.14, 13.15, 13.16, 13.17, 13.31, 13.44, 13.45, 13.49, and 13.51 have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1024-0015. The information is being collected to solicit information necessary for the Superintendent to issue permits and other benefits. This information will be used to grant statutory or administrative benefits. In all sections except 13.13, the obligation to respond is required to obtain a benefit. In § 13.13, the obligation to respond is mandatory.

§ 13.10 Snowmachines.

(a) The use of snowmachines (during periods of adequate snow cover or frozen river conditions) for traditional activities (where such activities are permitted by ANILCA or other law) and for travel to and from villages and homesites, is permitted within park areas, except where such use is prohibited or otherwise restricted by the Superintendent in accordance with the provisions of § 13.30. Nothing in this section affects the use of snowmobiles by local rural residents engaged in subsistence uses as authorized by § 13.48.

(b) For the purposes of this section "adequate snow cover" shall mean snow of sufficient depth to protect the underlying vegetation and soil.

§ 13.11 Motorboats.

Motorboats may be operated on all park area waters, except where such use is prohibited or otherwise restricted by the Superintendent in accordance with the provisions of § 13.30, or § 7.23(b)-(f) of this chapter. Nothing in this section affects the use of motorboats by local rural residents engaged in subsistence uses as authorized by § 13.48.

§ 13.12 Nonmotorized surface transportation.

The use of nonmotorized surface transportation such as domestic dogs, horses and other pack or saddle animals is permitted in park areas except where such use is prohibited or otherwise restricted by the Superintendent in accordance with the provisions of § 13.30. Nothing in this section affects the use of nonmotorized surface transportation by local rural residents engaged in subsistence uses as authorized by § 13.48.

§ 13.13 Aircraft.

(a) Fixed-wing aircraft may be landed and operated on lands and waters within park areas, except where such use is prohibited or otherwise restricted by the Superintendent in accordance with this section. The use of aircraft for access to or from lands and waters within a national park or monument for purposes of taking fish and wildlife for subsistence uses therein is prohibited as set forth in § 13.45.

(b) In imposing any prohibitions or restrictions on fixed-wing aircraft use the Superintendent shall: (1) Comply with the procedures set forth in § 13.30; (2) publish notice of prohibitions or restrictions as "Notices to Airmen" issued by the Department of Transportation; and (3) publish permanent prohibitions or restrictions as a regulatory notice in the United States

Government Flight Information Service "Supplement Alaska."

(c) Except as provided in paragraph (d) of this section, the owners of any aircraft downed after December 2, 1980, shall remove the aircraft and all component parts thereof in accordance with procedures established by the Superintendent. In establishing a removal procedure, the Superintendent is authorized to: (1) Establish a reasonable date by which aircraft removal operations must be complete; and (2) determine times and means of access to and from the downed aircraft.

(d) The Superintendent may waive the requirements of § 13.12(c) upon a determination that: (1) The removal of downed aircraft would constitute an unacceptable risk to human life; or (2) the removal of a downed aircraft would result in extensive resource damage; or (3) the removal of a downed aircraft is otherwise impracticable or impossible.

(e) Salvaging, removing, possessing, or attempting to salvage, remove or possess any downed aircraft or component parts thereof is prohibited, except in accordance with a removal procedure established under paragraph (c) of this section. *Provided, however,* That the owner or an authorized representative thereof may remove valuable component parts from a downed aircraft at the time of rescue without a permit.

(f) The use of a helicopter in any park area, other than at designated landing areas (see Subpart C regulations for each park area) pursuant to the terms and conditions of a permit issued by the Superintendent, is prohibited.

§ 13.14 Off-road vehicles.

(a) The use of off-road vehicles in locations other than established roads and parking areas is prohibited, except on routes or in areas designated by the Superintendent or pursuant to a valid permit as prescribed in paragraph (c) of this section or in § 13.15 or § 13.16. Such designations shall be made in accordance with procedures in this section. Nothing in this section affects the use of off-road vehicles by local rural residents engaged in subsistence as authorized by § 13.48.

(b)(1) The Superintendent's determination of whether to designate a route or area for off-road vehicle use shall be governed by Executive Order 11644, as amended.

(2) Route or area designations shall be published in the "Federal Register."

(3) Notice of routes or areas on which off-road travel is permitted shall be in accordance with the provisions of § 13.30(f).

(4) The closure or restrictions on use of designated routes or areas to off-road vehicles use shall be in accordance with the provisions of § 13.30.

(c) The Superintendent is authorized to issue permits for the use of off-road vehicles on existing off-road vehicle trails located in park areas (other than areas designated as part of the National Wilderness Preservation System) upon a finding that such off-road vehicle use would be compatible with park purposes and values. The Superintendent shall include in any permit such stipulations and conditions as are necessary for the protection of park purposes and values.

§ 13.15 Access to inholdings.

(a) *Purpose.* A permit for access to inholdings pursuant to this section is required only where adequate and feasible access is not affirmatively provided without a permit under §§ 13.10-13.14 of these regulations. Thus, it is the purpose of this section to ensure adequate and feasible access across a park area for any person who has a valid property or occupancy interest in lands within or effectively surrounded by a park area or other lands listed in section 1110(b) of ANILCA.

(b) *Application and Administration.* (1) Applications for a permit designating methods and routes of access across park areas not affirmatively provided for in this part shall be submitted to the Superintendent having jurisdiction over the affected park area as specified under § 13.31.

(2) Except as provided in paragraph (c) of this section, the access permit application shall contain the name and address of the applicant, documentation of the relevant property or occupancy interest held by the applicant (including for 1872 Mining Law claimants a copy of the location notice and recordations required under the 1872 Mining Law and 43 U.S.C. 1744), a map or physical description of the relevant property or occupancy interest, a map or physical description of the desired route of access, a description of the desired method of access, and any other information necessary to determine the adequacy and feasibility of the route or method of access and its impact on the natural or other values of the park area.

(3) The Superintendent shall specify in a nontransferable permit, adequate and feasible routes and methods of access across park areas for any person who meets the criteria of paragraph (a) of this section. The Superintendent shall designate the routes and methods desired by the applicant unless it is determined that:

(i) The route or method of access would cause significant adverse impacts on natural or other values of the park area, and adequate and feasible access otherwise exists; or

(ii) The route or method of access would jeopardize public health and safety, and adequate and feasible access otherwise exists.

(4) If the Superintendent makes one of the findings described in paragraph (b)(3) of this section, he/she shall specify such other alternate methods and routes of access as will provide the applicant adequate and feasible access, while minimizing damage to natural and other values of the park area.

(5) Any person holding an access permit shall notify the Superintendent of any significant change in the method or level of access from that occurring at the time of permit issuance. In such cases, the Superintendent may modify the terms and conditions of the permit, provided that the modified permit also assures adequate and feasible access under the standards of paragraph (b)(3) of this section.

(6) Routes and methods of access permitted pursuant to this section shall be available for use by guests and invitees of the permittee.

(c) *Access requiring permanent improvements.* (1) Application form and procedure. Any application for access to an inholding which proposes the construction or modification of an improved road (e.g., construction or modification of a permanent, year-round nature, and which involves substantial alteration of the terrain or vegetation, such as grading, gravelling of surfaces, concrete bridges, or other such construction or modification), or any other permanent improvement on park area lands qualifying as a "transportation or utility system" under Section 1102 of ANILCA, shall be submitted on the consolidated application form specified in Section 1104(h) of ANILCA, and processed in accordance with the procedures of Title XI of ANILCA.

(2) Decision-making standard. (i) If the permanent improvement is required for adequate and feasible access to the inholding (e.g., improved right-of-way or landing strip), the permit granting standards of paragraph (b) of this section shall apply.

(ii) If the permanent improvement is not required as part of the applicant's right to adequate and feasible access to an inholding (e.g., pipeline, transmission line), the permit granting standards of Sections 1104-1107 of ANILCA shall apply.

(d) *Clarification of the Applicability of 36 CFR Part 9.* (1) 1872 Mining Law

Claims and 36 CFR Subpart 9A. Since section 1110(b) of ANILCA guarantees adequate and feasible access to valid mining claims within park areas notwithstanding any other law, and since the 36 CFR 9.3 requirement for an approved plan of operations prior to the issuance of an access permit may interfere with needed access, 36 CFR 9.3 is no longer applicable in Alaska park areas. However, holders of patented or unpatented mining claims under the 1872 Mining Law (30 U.S.C. 22 *et seq.*) should be aware that 36 CFR 9.9, 9.10 independently require an approved plan of operations prior to conducting mining operations within a park area (except that no plan of operations is required for patented claims where access is not across federally-owned parklands).

(2) Non-Federal Oil and Gas Rights and 36 CFR Subpart 9B. Since section 1110(b) of ANILCA guarantees adequate and feasible access to park area inholdings notwithstanding any other law, and since 36 CFR Subpart 9B was predicated on the park area Superintendent's discretion to restrict and condition such access, 36 CFR Subpart 9B is no longer applicable in Alaska park areas.

§ 13.16 Temporary access.

(a) *Applicability.* This section is applicable to State and private landowners who desire temporary access across a park area for the purposes of survey, geophysical, exploratory and other temporary uses of such nonfederal lands, and where such temporary access is not affirmatively provided for in §§ 13.10-13.15. State and private landowners meeting the criteria of § 13.15(a) are directed to utilize the procedures of § 13.15 to obtain temporary access.

(b) *Application.* A landowner requiring temporary access across a park area for survey, geophysical, exploratory or similar temporary activities shall apply to the Superintendent for an access permit and shall provide the relevant information described in section 13.15(b)(2), concerning the proposed access.

(c) *Permit standards, stipulations and conditions.* The Superintendent shall grant the desired temporary access whenever he/she determines that such access will not result in permanent harm to park area resources. The Superintendent shall include in any permit granted such stipulations and conditions on temporary access as are necessary to ensure that the access granted would not be inconsistent with the purposes for which the park area was reserved and to ensure that no

permanent harm will result to park area resources.

(d) *Definition.* For the purposes of this section, "temporary access" shall mean limited, short-term (i.e., up to on year from issuance of the permit) access, which does not require permanent facilities for access, to undeveloped State or private lands.

§ 13.17 Cabins and other structures.

(a) *Purpose.* It is the purpose of this section to provide procedures and guidance for those occupying and using existing cabins and those wishing to construct new cabins within park areas.

(b) *Existing cabins or other structures.*

(1) This subsection applies to all park areas in Alaska except Klondike Gold Rush National Historical Park, Sitka National Historical Park and the former Mt. McKinley National Park, Glacier Bay National Monument and Katmai National Monument.

(2) Cabins or other structures existing prior to December 18, 1973, may be occupied and used by the claimants to these structures pursuant to a nontransferable, renewable permit. This use and occupancy shall be for terms of five years. *Provided, however,* That the claimant to the structure, by application:

(i) Reasonably demonstrates by affidavit, bill of sale or other documentation proof of possessory interest or right of occupancy in the cabin or structure;

(ii) Submits an acceptable photograph or sketch which accurately depicts the cabin or structure and a map showing its geographic location;

(iii) Agrees to vacate and remove all personal property from the cabin or structure upon expiration of the permit;

(iv) Acknowledges in the permit that he/she has no interest in the real property on which the cabin or structure is located; and

(v) Submits a listing of the names of all immediate family members residing in the cabin or structure.

Permits issued under the provisions of this paragraph shall be renewed every five years until the death of the last immediate family member of the claimant residing in the cabin or structure under permit. Renewal will occur unless the Superintendent determines after notice and hearing, and on the basis of substantial evidence in the administrative record as a whole, that the use under the permit is causing or may cause significant detriment to the principal purposes for which the park area was established. The Superintendent's decision may be appealed pursuant to the provisions of 43 CFR 4.700.

(3) Cabins or other structures, the occupancy or use of which began between December 18, 1973, and December 1, 1978, may be used and occupied by the claimant to these structures pursuant to a nontransferable, nonrenewable permit. This use and occupancy shall be for a maximum term of 1 year: *Provided, however*, That the claimant, by application, complies with § 13.17(c)(1) (i) through (iv) above. Permits issued under the provisions of this paragraph may be extended by the Superintendent, subject to reasonable regulations, for a period not to exceed one year for such reasons as the Superintendent deems equitable and just.

(4) Cabins or other structures, construction of which began after December 1, 1978, shall not be available for use and occupancy, unless authorized under the provisions of paragraph (d) of this section.

(5) Cabins or other structures, not under permit, shall be used only for official government business: *Provided, however*, That during emergencies involving the safety of human life, or where designated for public use by the Superintendent through the posting of signs, these cabins may be used by the general public.

(c) *New Cabins or Other Structures Necessary for Subsistence Uses or Otherwise Authorized by Law.* The Superintendent may issue a permit under such conditions as he/she may prescribe for the construction, reconstruction, temporary use, occupancy, and maintenance of new cabins or other structures when he/she determines that the use is necessary to accommodate reasonably subsistence uses or is otherwise authorized by law. In determining whether to permit the use, occupancy, construction, reconstruction or maintenance of cabins or other structures, the Superintendent shall be guided by factors such as other public uses, public health and safety, environmental and resource protection, research activities, protection of cultural or scientific values, subsistence uses, endangered or threatened species conservation and other management considerations necessary to ensure that the activities authorized pursuant to this section are compatible with the purposes for which the park area was established.

(d) *Existing Cabin Leases or Permits.* Nothing in this section shall preclude the renewal or continuation of valid leases or permits in effect as of December 2, 1980, for cabins, homesites, or similar structures on federally owned lands. Unless the Superintendent issues specific findings, following notice and

an opportunity for the leaseholder or permittee to respond, that renewal or continuation of such valid permit or lease constitutes a direct threat or a significant impairment to the purposes for which the park area was established. he/she shall renew such valid leases or permits upon their expiration in accordance with the provisions of the original lease or permit subject to such reasonable regulations as he/she prescribe in keeping with the management objectives of the park area. Subject to the provisions of the original lease or permit, nothing in this paragraph shall necessarily preclude the Superintendent from transferring such a lease or permit to another person at the election or death of the original permittee or leasee.

§ 13.18 Camping and picnicking.

(a) *Camping.* Camping is permitted in park areas except where such use is prohibited or otherwise restricted by the Superintendent in accordance with the provisions of § 13.30, or as set forth for specific park areas in Subpart C of this part.

(b) *Picnicking.* Picnicking is permitted in park areas except where such activity is prohibited by the posting of appropriate signs.

§ 13.19 Weapons, traps and nets.

(a) This section applies to all park areas in Alaska except Klondike Gold Rush National Historical Park, Sitka National Historical Park and the former Mt. McKinley National Park, Glacier Bay National Monument and Katmai National Monument.

(b) Firearms may be carried within park areas in accordance with applicable Federal and State laws, except where such carrying is prohibited or otherwise restricted pursuant to § 13.30.

(c) Traps, bows and other implements authorized by State and Federal law for the taking of fish and wildlife may be carried within National Preserves only during those times when the taking of fish and wildlife is authorized by applicable law or regulation.

(d) In addition to the authorities provided in paragraphs (b) and (c) of this section, weapons [other than firearms] traps and nets may be possessed within park areas provided such weapons, traps or nets are within or upon a device or animal used for transportation and are unloaded and cased or otherwise packed in such a manner as to prevent their ready use while in a park area.

(e) Notwithstanding the provisions of this section, local rural residents who are authorized to engage in subsistence

uses, including the taking of wildlife pursuant to § 13.48, may use, possess, or carry traps, nets and other weapons in accordance with applicable State and Federal laws.

§ 13.20 Preservation of natural features.

(a) This section applies to all park areas in Alaska except Klondike Gold Rush National Historical Park, Sitka National Historical Park, the former Mt. McKinley National Park, Glacier Bay National Monument, and Katmai National Monument.

(b) *Renewable Resources.* The gathering or collecting, by hand and for personal use only, of the following renewable resources is permitted:

(1) Natural plant food items, including fruits, berries and mushrooms, but not including threatened or endangered species;

(2) Driftwood and uninhabited seashells;

(3) Such plant materials and minerals as are essential to the conduct of traditional ceremonies by Native Americans; and

(4) Dead or downed wood for use in fires within park areas.

(c) *Rocks and Minerals.* Surface collection, by hand (including hand-held gold pans) and for personal recreational use only, of rocks and minerals is permitted: *Provided, however*, That (1) collection of silver, platinum, gemstones and fossils is prohibited, and (2) collection methods which may result in disturbance of the ground surface, such as the use of shovels, pickaxes, sluice boxes, and dredges, are prohibited.

(d) *Closure and Notice.* Under conditions where it is found that significant adverse impact on park resources, wildlife populations, subsistence uses, or visitor enjoyment of resources will result, the Superintendent shall prohibit the gathering or otherwise restrict the collecting of these items. Portions of a park area in which closures or restrictions apply shall be (1) published in at least one newspaper of general circulation in the State and designated on a map which shall be available for public inspection in the office of the Superintendent, or (2) designated by the posting of appropriate signs, or (3) both.

(e) *Subsistence.* Nothing in this section shall apply to local rural residents authorized to take renewable resources.

§ 13.21 Taking of fish and wildlife.

(a) *Subsistence.* Nothing in this section shall apply to the taking of fish and wildlife for subsistence uses.

(b) *Fishing.* Fishing is permitted in all park areas in accordance with applicable State and Federal law, and such laws are hereby adopted and made a part of these regulations to the extent they are not inconsistent with § 2.13 of this chapter. With respect to the Cape Krusenstern National Monument, the Malaspina Glacier Forelands area of the Wrangell-St. Elias National Preserve, and the Dry Bay area of Glacier Bay National Preserve, the exercise of valid commercial fishing rights or privileges obtained pursuant to existing law—including any use of park area lands for campsites, cabins, motorized vehicles, and aircraft landings on existing airstrips which is directly incident to the exercise of such rights or privileges—may continue: *Provided, however,* That the Superintendent may restrict the use of park area lands directly incident to the exercise of these rights or privileges if he/she determines, after conducting a public hearing in the affected locality, that such use of park area lands constitutes a significant expansion of the use of park area lands beyond the level of such use during 1979.

(c) *Hunting and Trapping.* Hunting and trapping are permitted in all National Preserves in accordance with applicable State and Federal law, and such laws are hereby adopted and made a part of these regulations: *Provided, however,* That engaging in trapping activities, as the employee of another person is prohibited.

(d) *Closures and Restrictions.* The Superintendent may prohibit or restrict the taking of fish or wildlife in accordance with the provisions of § 13.30. Except in emergency conditions, such restrictions shall take effect only after consultation with the appropriate State agency having responsibility over fishing, hunting, or trapping and representatives of affected users.

§ 13.22 Unattended or abandoned property.

(a) This section applies to all park areas in Alaska except Klondike Gold Rush National Historical Park and Sitka National Historical Park, or as further restricted for specific park areas in Subpart C of this part.

(b) Leaving any snowmachine, vessel, off-road vehicle or other personal property unattended for longer than 12 months without prior permission of the Superintendent is prohibited, and any property so left may be impounded by the Superintendent.

(c) The Superintendent may (1) designate areas where personal property may not be left unattended for any time period, (2) establish limits on the amount, and type of personal property

that may be left unattended, (3) prescribe the manner in which personal property may be left unattended, or (4) establish limits on the length of time personal property may be left unattended. Such designations and restrictions shall be (i) published in at least one newspaper of general circulation within the State, posted at community post offices within the vicinity affected, made available for broadcast on local radio stations in a manner reasonably calculated to inform residents in the affected community, and designated on a map which shall be available for public inspection at the office of the Superintendent, or (ii) designated by the posting of appropriate signs or (iii) both.

(d) In the event unattended property interferes with the safe and orderly management of a park area or is causing damage to the resources of the area, it may be impounded by the Superintendent at any time.

§ 13.30 Closure procedures.

(a) *Authority.* The Superintendent may close an area or restrict an activity on an emergency, temporary, or permanent basis.

(b) *Criteria.* In determining whether to close an area or restrict an activity on an emergency basis, the Superintendent shall be guided by factors such as public health and safety, resource protection, protection of cultural or scientific values, subsistence uses, endangered or threatened species conservation, and other management considerations necessary to ensure that the activity or area is being managed in a manner compatible with the purposes for which the park area was established.

(c) *Emergency Closures.* (1) Emergency closures or restrictions relating to the use of aircraft, snowmachines, motorboats, or nonmotorized surface transportation shall be made after notice and hearing; (2) emergency closures or restrictions relating to the taking of fish and wildlife shall be accompanied by notice and hearing; (3) other emergency closures shall become effective upon notice as prescribed in § 13.30(f); and (4) no emergency closure or restriction shall extend for a period exceeding 30 days, nor may it be extended.

(d) *Temporary closures or restrictions.* (1) Temporary closures or restrictions relating to the use of aircraft, snowmachines, motorboats, or nonmotorized surface transportation or to the taking of fish and wildlife, shall not be effective prior to notice and hearing in the vicinity of the area(s) directly affected by such closures or restrictions, and other locations as

appropriate; (2) other temporary closures shall be effective upon notice as prescribed in § 13.30(f); (3) temporary closures or restrictions shall not extend for a period exceeding 12 months and may not be extended.

(e) *Permanent closures or restrictions.* Permanent closures or restrictions shall be published as rulemaking in the Federal Register with a minimum public comment period of 60 days and shall be accompanied by public hearings in the area affected and other locations as appropriate.

(f) *Notice.* Emergency, temporary and permanent closures or restrictions shall be (1) published in at least one newspaper of general circulation in the State and in at least one local newspaper if available, posted at community post offices within the vicinity affected, made available for broadcast on local radio stations in a manner reasonably calculated to inform residents in the affected vicinity, and designated on a map which shall be available for public inspection at the office of the Superintendent and other places convenient to the public; or (2) designated by the posting of appropriate signs; or (3) both.

(g) *Openings.* In determining whether to open an area to public use or activity otherwise prohibited, the Superintendent shall provide notice in the Federal Register and shall, upon request, hold a hearing in the affected vicinity and other locations as appropriate prior to making a final determination.

(h) Except as otherwise specifically permitted under the provisions of this part, entry into closed areas or failure to abide by restrictions established under this section is prohibited.

§ 13.31 Permits.

(a) *Application.* (1) Application for a permit required by any section of this part shall be submitted to the Superintendent having jurisdiction over the affected park area, or in the absence of the Superintendent, the Regional Director. If the applicant is unable or does not wish to submit the application in written form, the Superintendent shall provide the applicant an opportunity to present the application orally and shall keep a record of such oral application.

(2) The Superintendent shall grant or deny the application in writing within 45 days. If this deadline cannot be met for good cause, the Superintendent shall so notify the applicant in writing. If the permit application is denied, the Superintendent shall specify in writing the reasons for the denial.

(b) *Denial and appeal procedures.* (1) An applicant whose application for a permit, required pursuant to this part, has been denied by the Superintendent has the right to have the application reconsidered by the Regional Director by contacting him/her within 180 days of the issuance of the denial. For purposes of reconsideration, the permit applicant shall present the following information:

(i) Any statement or documentation, in addition to that included in the initial application, which demonstrates that the applicant satisfies the criteria set forth in the section under which the permit application is made.

(ii) The basis for the permit applicant's disagreement with the Superintendent's findings and conclusions; and

(iii) Whether or not the permit applicant requests an informal hearing before the Regional Director.

(2) The Regional Director shall provide a hearing if requested by the applicant. After consideration of the written materials and oral hearing, if any, and within a reasonable period of time, the Regional Director shall affirm, reverse, or modify the denial of the Superintendent and shall set forth in writing the basis for the decision. A copy of the decision shall be forwarded promptly to the applicant and shall constitute final agency action.

Subpart B—Subsistence

§ 13.40 Purpose and policy.

(a) Consistent with the management of fish and wildlife in accordance with recognized scientific principles and the purposes for which each park area was established, designated, or expanded by ANILCA, the purpose of this subpart is to provide the opportunity for local rural residents engaged in a subsistence way of life to do so pursuant to applicable State and Federal law.

(b) Consistent with sound management principles, and the conservation of healthy populations of fish and wildlife, the utilization of park areas is to cause the least adverse impact possible on local rural residents who depend upon subsistence uses of the resources of the public lands in Alaska.

(c) Nonwasteful subsistence uses of fish, wildlife and other renewable resources by local rural residents shall be the priority consumptive uses of such resources over any other consumptive uses permitted within park areas pursuant to applicable State and Federal law.

(d) Whenever it is necessary to restrict the taking of a fish or wildlife

population within a park area for subsistence uses in order to assure the continued viability of such population or to continue subsistence uses of such population, the population shall be allocated among local rural residents engaged in subsistence uses in accordance with a subsistence priority system based on the following criteria:

(1) Customary and direct dependence upon the resource as the mainstay of one's livelihood;

(2) Local residency; and

(3) Availability of alternative resources.

(e) The State of Alaska is authorized to regulate the taking of fish and wildlife for subsistence uses within park areas to the extent such regulation is consistent with applicable Federal law, including but not limited to ANILCA.

(f) Nothing in this subpart shall be construed as permitting a level of subsistence use of fish and wildlife within park areas to be inconsistent with the conservation of healthy populations, and within a national park or monument to be inconsistent with the conservation of natural and healthy populations, of fish and wildlife.

§ 13.41 Applicability.

Subsistence uses by local rural residents are allowed pursuant to the regulations of this Subpart in the following park areas:

(a) In national preserves;

(b) In Cape Krusenstern National Monument and Kobuk Valley National Park;

(c) Where such uses are traditional (as may be further designated for each park or monument in Subpart C of this part) in Aniakchak National Monument, Gates of the Arctic National Park, Lake Clark National Park, Wrangell-St. Elias National Park, and the Denali National Park addition.

§ 13.42 Definitions.

(a) *Local rural resident.* (1) As used in this part with respect to national parks and monuments, the term "local rural resident" shall mean either of the following:

(i) Any person who has his/her primary, permanent home within the resident zone as defined by this section, and whenever absent from this primary, permanent home, has the intention of returning to it. Factors demonstrating the location of a person's primary, permanent home may include, but are not limited to, the permanent address indicated on licenses issued by the State of Alaska Department of Fish and Game, driver's license, and tax returns, and the location of registration to vote.

(ii) Any person authorized to engage in subsistence uses in a national park or monument by a subsistence permit issued pursuant to § 13.44.

(b) *Resident zone.* As used in this part, the term "resident zone" shall mean the area within, and the communities and areas near, a national park or monument in which persons who have customarily and traditionally engaged in subsistence uses within the national park or monument permanently reside. The communities and areas near a national park or monument included as a part of its resident zone shall be determined pursuant to § 13.43 and listed for each national park or monument in Subpart C of this part.

(c) *Subsistence uses.* As used in this part, the term "subsistence uses" shall mean the customary and traditional uses by rural Alaska residents of wild, renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools or transportation; for the making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption; for barter or sharing for personal or family consumption; and for customary trade. For the purposes of this paragraph, the term—

(1) "Family" shall mean all persons related by blood, marriage, or adoption, or any person living within the household on a permanent basis; and

(2) "Barter" shall mean the exchange of fish or wildlife or their parts taken for subsistence uses—

(i) For other fish or game or their parts; or

(ii) For other food or for nonedible items other than money if the exchange is of a limited and noncommercial nature; and

(3) "Customary trade" shall be limited to the exchange of furs for cash (and such other activities as may be designated for a specific park area in Subpart C of this part).

§ 13.43 Determination of resident zones.

(a) A resident zone shall include—

(1) the area within a national park or monument, and

(2) the communities and areas near a national park or monument which contain significant concentrations of rural residents who, without using aircraft as a means of access for purposes of taking fish or wildlife for subsistence uses (except in extraordinary cases where no reasonable alternative existed), have customarily and traditionally engaged in subsistence uses within a national park or monument. For purposes of

determining "significant" concentrations, family members shall also be included.

(b) After notice and comment, including public hearing in the affected local vicinity, a community or area near a national park or monument may be—

(1) Added to a resident zone, or
(2) Deleted from a resident zone, when such community or area does or does not meet the criteria set forth in paragraph (a) of this section, as appropriate.

(c) For purposes of this section, the term "family" shall mean all persons living within a rural resident's household on a permanent basis.

§ 13.44 Subsistence permits for persons whose primary, permanent home is outside a resident zone.

(a) Any rural resident whose primary, permanent home is outside the boundaries of a resident zone of a national park or monument may apply to the appropriate Superintendent pursuant to the procedures set forth in § 13.51 for a subsistence permit authorizing the permit applicant to engage in subsistence uses within the national park or monument. The Superintendent shall grant the permit if the permit applicant demonstrates that,

(1) Without using aircraft as a means of access for purposes of taking fish and wildlife for subsistence uses, the applicant has (or is a member of a family which) customarily and traditionally engaged in subsistence uses within a national park or monument; or

(2) The applicant is a local rural resident within a resident zone for another national park or monument, or meets the requirements of paragraph (1) of this section for another national park or monument, and there exists a pattern of subsistence uses (without use of an aircraft as a means of access for purposes of taking fish and wildlife for subsistence uses) between the national park or monument previously utilized by the permit applicant and the national park or monument for which the permit applicant seeks a subsistence permit.

(b) In order to provide for subsistence uses pending application for and receipt of a subsistence permit, until August 1, 1981, any rural resident whose primary permanent home is outside the boundaries of a resident zone of a national park or monument and who meets the criteria for a subsistence permit set forth in paragraph (a) of this section may engage in subsistence uses in the national park or monument without a permit in accordance with applicable State and Federal law. Effective August 1, 1981, however, such

rural resident must have a subsistence permit as required by paragraph (a) of this section in order to engage in subsistence uses in the national park or monument.

(c) For purposes of this section, the term "family" shall mean all persons living within a rural resident's household on a permanent basis.

§ 13.45 Prohibition of aircraft use.

(a) Notwithstanding the provisions of § 13.12 the use of aircraft for access to or from lands and waters within a national park or monument for purposes of taking fish or wildlife for subsistence uses within the national park or monument is prohibited except as provided in this section.

(b) *Exceptions.* (1) In extraordinary cases where no reasonable alternative exists, the Superintendent shall permit, pursuant to specified terms and conditions, a local rural resident of an "exempted community" to use aircraft for access to or from lands and water within a national park or monument for purposes of taking fish or wildlife for subsistence uses.

(i) A community shall qualify as an "exempted community" if, because of the location of the subsistence resources upon which it depends and the extraordinary difficulty of surface access to these subsistence resources, the local rural residents who permanently reside in the community have no reasonable alternative to aircraft use for access to these subsistence resources.

(ii) A community which is determined, after notice and comment (including public hearing in the affected local vicinity), to meet the description of an "exempted community" set forth in paragraph (b)(1) of this section shall be included in the appropriate special regulations for each park and monument set forth in Subpart C of this part.

(iii) A community included as an "exempted community" in Subpart C of this part may be deleted therefrom upon a determination, after notice and comment (including public hearing in the affected local vicinity), that it does not meet the description of an "exempted community" set forth in paragraph (b)(1) of this section.

(2) Any local rural resident aggrieved by the prohibition on aircraft use set forth in this section may apply for an exception to the prohibition pursuant to the procedures set forth in § 13.51. In extraordinary cases where no reasonable alternative exists, the Superintendent may grant the exception upon a determination that the location of the subsistence resources depended upon and the difficulty of surface access

to these resources, or other emergency situation, requires such relief.

(c) Nothing in this section shall prohibit the use of aircraft for access to lands and waters within a national park or monument for purposes of engaging in any activity allowed by law other than the taking of fish and wildlife. Such activities include, but are not limited to, transporting supplies.

§ 13.46 Use of snowmobiles, motorboats, dog teams, and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses.

(a) Notwithstanding any other provision of this chapter, the use of snowmobiles, motorboats, dog teams, and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses is permitted within park areas except at those times and in those areas restricted or closed by the Superintendent.

(b) The Superintendent may restrict or close a route or area to use of snowmobiles, motorboats, dog teams, or other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses if the Superintendent determines that such use is causing or is likely to cause an adverse impact on public health and safety, resource protection, protection of historic or scientific values, subsistence uses, conservation of endangered or threatened species, or the purposes for which the park area was established.

(c) No restrictions or closures shall be imposed without notice and a public hearing in the affected vicinity and other locations as appropriate. In the case of emergency situations, restrictions or closures shall not exceed sixty (60) days and shall not be extended unless the Superintendent establishes, after notice and public hearing in the affected vicinity and other locations as appropriate, that such extension is justified according to the factors set forth in paragraph (b) of this section. Notice of the proposed or emergency restrictions or closures and the reasons therefor shall be published in at least one newspaper of general circulation within the State and in at least one local newspaper if appropriate, and information about such proposed or emergency actions shall also be made available for broadcast on local radio stations in a manner reasonably calculated to inform local rural residents in the affected vicinity. All restrictions and closures shall be designated on a map which shall be available for public inspection at the office of the

Superintendent of the affected park area and the post office or postal authority of every affected community within or near the park area, or by the posting of signs in the vicinity of the restrictions or closures, or both.

(d) Motorboats, snowmobiles, dog teams, and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses shall be operated (1) in compliance with applicable State and Federal law, (2) in such a manner as to prevent waste or damage to the park areas, and (3) in such a manner as to prevent the herding, harassment, hazing or driving of wildlife for hunting or other purposes.

(e) At all times when not engaged in subsistence uses, local rural residents may use snowmobiles, motorboats, dog teams, and other means of surface transportation in accordance with §§ 13.10, 13.11, 13.12, and 13.14, respectively.

§ 13.47 Subsistence fishing.

Fish may be taken by local rural residents for subsistence uses in park areas where subsistence uses are allowed in compliance with applicable State and Federal law, including the provisions of §§ 2.13 and 13.21 of this chapter. *Provided, however,* That local rural residents in park areas where subsistence uses are allowed may fish with a net, seine, trap, or spear where permitted by State law. To the extent consistent with the provisions of this chapter, applicable State laws and regulations governing the taking of fish which are now or will hereafter be in effect are hereby incorporated by reference as a part of these regulations.

§ 13.48 Subsistence hunting and trapping

Local rural residents may hunt and trap wildlife for subsistence uses in park areas where subsistence uses are allowed in compliance with applicable State and Federal law. To the extent consistent with the provisions of this chapter, applicable State laws and regulations governing the taking of wildlife which are now or will hereafter be in effect are hereby incorporated by reference as a part of these regulations.

§ 13.49 Subsistence use of timber and plant material.

(a) Notwithstanding any other provision of this part, the non-commercial cutting of live standing timber by local rural residents for appropriate subsistence uses, such as firewood or house logs, may be permitted in park areas where subsistence uses are allowed as follows:

(1) For live standing timber of diameter greater than three inches at ground height, the Superintendent may permit cutting in accordance with the specifications of a permit if such cutting is determined to be compatible with the purposes for which the park area was established;

(2) For live standing timber of diameter less than three inches at ground height, cutting is permitted unless restricted by the Superintendent.

(b) The noncommercial gathering by local rural residents of fruits, berries, mushrooms, and other plant materials for subsistence uses, and the noncommercial gathering of dead or downed timber for firewood, shall be allowed without a permit in park areas where subsistence uses are allowed.

(c)(1) Notwithstanding any other provision of this part, the Superintendent, after notice and public hearing in the affected vicinity and other locations as appropriate, may temporarily close all or any portion of a park area to subsistence uses of a particular plant population only if necessary for reasons of public safety, administration, or to assure the continued viability of such population. For the purposes of this section, the term "temporarily" shall mean only so long as reasonably necessary to achieve the purposes of the closure.

(2) If the Superintendent determines that an emergency situation exists and that extraordinary measures must be taken for public safety or to assure the continued viability of a particular plant population, the Superintendent may immediately close all or any portion of a park area to the subsistence uses of such population. Such emergency closure shall be effective when made, shall be for a period not to exceed sixty (60) days, and may not subsequently be extended unless the Superintendent establishes, after notice and public hearing in the affected vicinity and other locations as appropriate, that such closure should be extended.

(3) Notice of administrative actions taken pursuant to this section, and the reasons justifying such actions, shall be published in at least one newspaper of general circulation within the State and at least one local newspaper if available, and information about such actions and reasons also shall be made available for broadcast on local radio stations in a manner reasonably calculated to inform local rural residents in the affected vicinity. All closures shall be designated on a map which shall be available for public inspection at the office of the Superintendent of the affected park area and the post office or postal authority of every affected

community within or near the park area, or by the posting of signs in the vicinity of the restrictions, or both.

§ 13.50 Closure to subsistence uses of fish and wildlife.

(a) Notwithstanding any other provision of this part, the Superintendent, after consultation with the State and adequate notice and public hearing in the affected vicinity and other locations as appropriate, may temporarily close all or any portion of a park area to subsistence uses of a particular fish or wildlife population only if necessary for reasons of public safety, administration, or to assure the continued viability of such population. For purposes of this section, the term "temporarily" shall mean only so long as reasonably necessary to achieve the purposes of the closure.

(b) If the Superintendent determines that an emergency situation exists and that extraordinary measures must be taken for public safety or to assure the continued viability of a particular fish or wildlife population, the Superintendent may immediately close all or any portion of a park area to the subsistence uses of such population. Such emergency closure shall be effective when made, shall be for a period not to exceed sixty (60) days, and may not subsequently be extended unless the Superintendent establishes, after notice and public hearing in the affected vicinity and other locations as appropriate, that such closure should be extended.

(c) Notice of administrative actions taken pursuant to this section, and the reasons justifying such actions, shall be published in at least one newspaper of general circulation within the State and in at least one local newspaper if available, and information about such actions and reasons also shall be made available for broadcast on local radio stations in a manner reasonably calculated to inform local rural residents in the affected vicinity. All closures shall be designated on a map which shall be available for public inspection at the office of the Superintendent of the affected park area and the post office or postal authority of every affected community within or near the park area, or by the posting of signs in the vicinity of the restrictions, or both.

§ 13.51 Application procedures for subsistence permits and aircraft exceptions.

(a) Any person applying for the subsistence permit required by § 13.44(a), or the exception to the prohibition on aircraft use provided by

§ 13.45(b)(2). shall submit his/her application to the Superintendent of the appropriate national park or monument. If the applicant is unable or does not wish to submit the application in written form, the Superintendent shall provide the applicant an opportunity to present the application orally and shall keep a record of such oral application. Each application must include (1) a statement which acknowledges that providing false information in support of the application is a violation of Section 1001 of Title 18 of the United States Code, and (2) additional statements or documentation which demonstrates that the applicant satisfies the criteria set forth in § 13.44(a) for a subsistence permit or § 13.45(b)(2) for the aircraft exception, as appropriate. Except in extraordinary cases for good cause shown, the Superintendent shall decide whether to grant or deny the application in a timely manner not to exceed forty-five (45) days following the receipt of the completed application. Should the Superintendent deny the application, he/she shall include in the decision a statement of the reasons for the denial and shall promptly forward a copy to the applicant.

(b) An applicant whose application has been denied by the Superintendent has the right to have his/her application reconsidered by the Alaska Regional Director by contacting the Regional Director within 180 days of the issuance of the denial. The Regional Director may extend the 180-day time limit to initiate a reconsideration for good cause shown by the applicant. For purposes of reconsideration, the applicant shall present the following information:

(1) Any statement or documentation, in addition to that included in the initial application, which demonstrates that the applicant satisfies the criteria set forth in paragraph (a) of this section;

(2) The basis for the applicant's disagreement with the Superintendent's findings and conclusions; and

(3) Whether or not the applicant requests an informal hearing before the Regional Director.

(c) The Regional Director shall provide a hearing if requested by the applicant. After consideration of the written materials and oral hearing, if any, and within a reasonable period of time, the Regional Director shall affirm, reverse, or modify the denial of the Superintendent and shall set forth in writing the basis for the decision. A copy of the decision shall be forwarded promptly to the applicant and shall constitute final agency action.

Subpart C—Special Regulations— Specific Park Areas in Alaska

§ 13.60 Aniakchak National Monument and Preserve.

(a) *Subsistence.*—(1) *Resident Zone.* The following communities and areas are included within the resident zone for Aniakchak National Monument:

Chignik
Chignik Lagoon
Chignik Lake
Meshik
Port Heiden

§ 13.61 Bering Land Bridge National Preserve.

(a) *Off-Road Vehicles.* The use of off-road vehicles for purposes of reindeer grazing may be permitted in accordance with a permit issued by the Superintendent.

§ 13.62 Cape Krusenstern National Monument.

(a) *Subsistence.*—(1) *Resident Zone.* The following communities and areas are included within the resident zone for Cape Krusenstern National Monument:

Kivalina
Kotzebue
Noatak

§ 13.63 Denali National Park and Preserve.

(a) *Subsistence.*—(1) *Resident Zone.* The following communities and areas are included within the resident zone for Denali National Park addition:

Cantwell
Minchumina
Nikolai
Telida

(b) *Camping.* Camping is prohibited along the road corridor and at Wonder Lake, except at designated areas. Camping is allowed in other areas in accordance with the backcountry management plan.

(c) *Unattended or Abandoned Property.* Leaving unattended and abandoned property along the road corridor, at Wonder Lake, and in the areas included in the backcountry management plan, is prohibited.

§ 13.64 Gates of the Arctic National Park and Preserve.

(a) *Subsistence.*—(1) *Resident Zone.* The following communities and areas are included within the resident zone for Gates of the Arctic National Park:

Aletna
Allakaket
Ambler
Anaktuvuk Pass
Bettles/Evansville
Hughes
Kobuk

Nuiqsut
Shungnak
Wiseman

(2) *Aircraft Use.* In extraordinary cases where no reasonable alternative exists, local rural residents who permanently reside in the following exempted community(ies) may use aircraft for access to lands and waters within the park for subsistence purposes in accordance with a permit issued by the Superintendent:

Anaktuvuk Pass

(2) *Customary Trade.* In The Gates of the Arctic National Preserve unit which contains the Kobuk River and its tributaries, "customary trade" shall include—in addition to the exchange of furs for cash—the selling of handicraft articles made from plant material taken by local rural residents of the park area.

§ 13.65 Glacier Bay National Park and Preserve (Reserved).

§ 13.66 Katmai National Park and Preserve (Reserved).

§ 13.67 Kenai Fjords National Park.

(a) *Subsistence.* Subsistence uses are prohibited in, and the provisions of Subpart B of this part shall not apply to, Kenai Fjords National Park.

§ 13.68 Klondike Gold Rush National Historical Park.

(a) *Camping.* Camping is permitted only in designated areas.

§ 13.69 Kobuk Valley National Park.

(a) *Subsistence.*—(1) *Resident Zone.* The following communities and areas are included within the resident zone for Kobuk Valley National Park:

Ambler
Kiana
Kobuk
Kotzebue
Noorvik
Selawik
Shungnak

(2) *Customary Trade.* In addition to the exchange of furs for cash, "customary trade" in Kobuk Valley National Park shall include the selling of handicraft articles made from plant material taken by local rural residents of the park area.

§ 13.70 Lake Clark National Park and Preserve.

(a) *Subsistence.*—(1) *Resident Zone.* The following communities and areas are included within the resident zone for Lake Clark National Park:

Iliamna
Lime Village
Newhalen
Nondalton

Pedro Bay
Port Alsworth

**§ 13.71 Noatak National Preserve
[Reserved].**

§ 13.72 Sitka National Historical Park.
(a) *Camping.* Overnight camping is prohibited.

**§ 13.73 Wrangell-St. Elias National Park
and Preserve.**

(a) *Subsistence.*—(1) *Resident Zone.*
The following communities and areas
are included within the resident zone for
Wrangell-St. Elias National Park:

Chisana
Chistochina
Chitina
Copper Center
Gakona
Gakona Junction
Glennallen
Gulkana
Kenny Lake
Lower Tonsina
McCarthy
Mentasta Lake
Nabesna
Siana
Tazlina
Tok
Tonsina
Yakutat

(2) *Aircraft Use.* In extraordinary
cases where no reasonable alternative
exists local rural residents who
permanently reside in the following
exempted community(ies) may use
aircraft for access to lands and waters
within the park for subsistence purposes
in accordance with a permit issued by
the Superintendent:

Yakutat (for access to the Malaspina
Forelands Area only)

**§ 13.74 Yukon Charley Rivers National
Preserve [Reserved].**

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C: MANAGEMENT OBJECTIVES

The following management objectives were derived from the intent of Congress in establishing the park and preserve and the determination of the National Park Service to pursue basic operations necessary to systematically manage and protect park resources while supporting established subsistence and recreational activities. The objectives describe the conditions that will prevail when the general management plan is fully implemented.

ADMINISTRATION

Lake Clark National Park and Preserve will be administered and managed as a natural area of the National Park System according to all applicable laws, regulations, executive orders, and policies.

Programs for protecting and preserving resources, serving and protecting visitors, interpreting natural and cultural values, and providing administrative support will be implemented by a professional staff operating with adequate funding.

Managers of the park and preserve will work closely with concerned and knowledgeable individuals, groups, agencies, and institutions to gather information and develop cooperative management programs and agreements.

The special expertise and knowledge of people living in the area will be utilized by hiring local residents for park jobs in accordance with section 1308 of ANILCA.

NATURAL RESOURCES

Natural resources will be managed for the protection and perpetuation of ecological systems and for the education and enjoyment of the public.

Ecological systems will evolve in response to natural processes.

Undisturbed environments will serve as benchmarks for measuring the effects of human activity on similar landscapes elsewhere.

Man is an integral part of the ecosystem and will be encouraged to recognize ecological balances.

CULTURAL RESOURCES

Cultural resources will be professionally identified and evaluated, and a program of preservation and management will be implemented.

Cultural resources will be interpreted for the enjoyment and education of the public, and special emphasis will be placed on working with local residents and native corporations to protect, perpetuate, and experience the cultural heritage of the area.

Resources found to be significant will be nominated for inclusion on the National Register of Historic Places and the Alaska Heritage Resource Survey and preserved from loss or deterioration.

VISITOR USE AND INTERPRETATION

Opportunities will exist for both the general public and the local residents to enjoy a wide variety of outdoor recreational activities and educational programs.

Types and areas of visitor use will conflict as little as possible with the opportunity for local rural residents to pursue traditional lifestyles.

The expected increase in visitor use will be accommodated while maintaining the established character and quality of the visitor experience.

Resources will be interpreted to illustrate ecological diversity and successional stages, the ongoing processes that are shaping the landscape and causing ecological change, the development of human cultures from ancient to present times, and human and environmental interactions over time.

VISITOR PROTECTION AND SAFETY

Qualified field personnel will provide emergency and law enforcement services.

Information will be available to the public informing them of the inherent dangers faced in a vast wilderness environment.

PLANNING

Subsequent action plans for the park and preserve's management and development will be formulated in close cooperation with adjacent landowners, state agencies, and interested groups and institutions.

CONSTRUCTION

Facilities will be constructed in selected locations to serve as bases for visitor services and NPS operations. If facilities are located outside the boundaries and in the vicinity of Lake Clark, native lands will be considered in accordance with section 1306 of ANILCA.

New construction will be architecturally harmonious with the natural and cultural setting and designed and built with the most suitable materials and equipment to conserve resources and protect the environment.

COMMERCIAL SERVICES

Visitor facilities and services will be provided by the private sector through a system of commercial use licenses and a concession management program.

Native corporations and local residents will be given preference for the provision of visitor services, in accordance with section 1307 of ANILCA.

LAND PROTECTION

As additional federal lands are conveyed to private ownership, special emphasis will be placed on cooperating with landowners to ensure that development is compatible with the purposes of the park and preserve.

Cooperative agreements with adjacent land-managing agencies and resource managers will promote compatible and complementary management and use.

A land protection program will achieve resource management objectives through land exchange, donation, cooperative agreements, and the land bank provisions of ANILCA.

SUBSISTENCE

Cooperative studies, agreements, and programs will guide the management of subsistence activities.

The occupancy, use, or disposition of lands will, to the extent possible, avoid placing restrictions on subsistence activities, in accordance with section 810 of ANILCA.

D: MASTER MEMORANDUM OF UNDERSTANDING BETWEEN THE
ALASKA DEPARTMENT OF FISH AND GAME AND THE
U.S. NATIONAL PARK SERVICE

MASTER MEMORANDUM OF UNDERSTANDING

BETWEEN

THE ALASKA DEPARTMENT OF FISH AND GAME

JUNEAU, ALASKA

AND

THE U.S. NATIONAL PARK SERVICE

DEPARTMENT OF THE INTERIOR

ANCHORAGE, ALASKA

This Master Memorandum of Understanding between the State of Alaska, Department of Fish and Game, hereinafter referred to as the Department, and the U.S. Department of the Interior, National Park Service, hereinafter referred to as the Service, reflects the general policy guidelines within which the two agencies agree to operate.

WHEREAS, the Department, under the Constitution, laws, and regulations of the State of Alaska, is responsible for the management, protection, maintenance, enhancement, rehabilitation, and extension of the fish and wildlife resources of the State on the sustained yield principle, subject to preferences among beneficial uses; and

WHEREAS, the Service, by authority of the Constitution, laws of Congress, executive orders, and regulations of the U.S. Department of the Interior is responsible for the management of Service lands in Alaska and the conservation of resources on these lands, including conservation of healthy populations of fish and wildlife within National Preserves and natural and healthy populations within National Parks and Monuments; and

WHEREAS, the Department and the Service share a mutual concern for fish and wildlife resources and their habitats and desire to develop and maintain a cooperative relationship which will be in the best interests of both parties,

the fish and wildlife resources and their habitats, and produce the greatest public benefit; and

WHEREAS, the Alaska National Interest Lands Conservation Act (ANILCA) and subsequent implementing Federal regulations recognize that the resources and uses of Service lands in Alaska are substantially different than those of similar lands in other states and mandate continued subsistence uses in designated National Parks plus sport hunting and fishing, subsistence, and trapping uses in National Preserves under applicable State and Federal laws and regulations; and

WHEREAS, the Department and the Service recognize the increasing need to coordinate resource planning and policy development;

NOW, THEREFORE, the parties hereto do hereby agree as follows:

THE DEPARTMENT OF FISH AND GAME AGREES:

1. To recognize the Service's responsibility to conserve fish and wildlife and their habitat and regulate human use on Service lands in Alaska, in accordance with the National Park Service Organic Act, ANILCA, and other applicable laws.
2. To manage fish and resident wildlife populations in their natural species diversity on Service lands, recognizing that nonconsumptive use and appreciation by the visiting public is a primary consideration.
3. To consult with the Regional Director or his representative in a timely manner and comply with applicable Federal laws and regulations before embarking on management activities on Service lands.

4. To act as the primary agency responsible for management of subsistence uses of fish and wildlife on State and Service lands, pursuant to applicable State and Federal laws.
5. To recognize that National Park areas were established, in part, to "assure continuation of the natural process of biological succession" and "to maintain the environmental integrity of the natural features found in them."

THE NATIONAL PARK SERVICE AGREES:

1. To recognize the Department as the agency with the primary responsibility to manage fish and resident wildlife within the State of Alaska.
2. To recognize the right of the Department to enter onto Service lands after timely notification to conduct routine management activities which do not involve construction, disturbance to the land, or alterations of ecosystems.
3. To manage the fish and wildlife habitat on Service lands so as to ensure conservation of fish and wildlife populations and their habitats in their natural diversity.
4. To cooperate with the Department in planning for management activities on Service lands which require permits, environmental assessments, compatibility assessments, or similar regulatory documents by responding to the Department in a timely manner.
5. To consider carefully the impact on the State of Alaska of proposed treaties or international agreements relating to fish and wildlife resources which could diminish the jurisdictional authority of the State, and to consult freely with the State when such treaties or agreements have a significant impact on the State.

6. To review Service policies in consultation with the Department to determine if modified or special policies are needed for Alaska.
7. To adopt Park and Preserve management plans whose provisions are in substantial agreement with the Department's fish and wildlife management plans, unless such plans are determined formally to be incompatible with the purposes for which the respective Parks and Preserves were established.
8. To utilize the State's regulatory process to the maximum extent allowed by Federal law in developing new or modifying existing Federal regulations or proposing changes in existing State regulations governing or affecting the taking of fish and wildlife on Service lands in Alaska.
9. To recognize the Department as the primary agency responsible for policy development and management direction relating to subsistence uses of fish and wildlife resources on State and Service lands, pursuant to applicable State and Federal laws.
10. To consult and cooperate with the Department in the design and conduct of Service research or management studies pertaining to fish and wildlife.
11. To consult with the Department prior to entering into any cooperative land management agreements.
12. To allow under special use permit the erection and maintenance of facilities or structures needed to further fish and wildlife management activities of the Department on Service lands, provided their intended use is not in conflict with the purposes for which affected Parks or Preserves were established.

THE DEPARTMENT OF FISH AND GAME AND THE NATIONAL PARK SERVICE MUTUALLY AGREE:

1. To coordinate planning for management of fish and wildlife resources on Service lands so that conflicts arising from differing legal mandates, objectives, and policies either do not arise or are minimized.
2. To consult with each other when developing policy, legislation, and regulations which affect the attainment of wildlife resource management goals and objectives of the other agency.
3. To provide to each other upon request fish and wildlife data, information, and recommendations for consideration in the formulation of policies, plans, and management programs regarding fish and wildlife resources on Service lands.
4. To recognize that the taking of fish and wildlife by hunting, trapping, or fishing on certain Service lands in Alaska is authorized in accordance with applicable State and Federal law unless State regulations are found to be incompatible with documented Park or Preserve goals, objectives or management plans.
5. To recognize for maintenance, rehabilitation, and enhancement purposes, that under extraordinary circumstances the manipulation of habitat or animal populations may be an important tool of fish and wildlife management to be used cooperatively on Service lands and waters in Alaska by the Service or the Department when judged by the Service, on a case by case basis, to be consistent with applicable law and Park Service policy.
6. That implementation by the Secretary of the Interior of subsistence program recommendations developed by Park and Park Monument Subsistence Resource

Commissions pursuant to ANILCA Section 808(b) will take into account existing State regulations and will use the State's regulatory process as the primary means of developing Park subsistence use regulations.

7. To neither make nor sanction any introduction or transplant of any fish or wildlife species on Service lands without first consulting with the other party and complying with applicable Federal and State laws and regulations.
8. To cooperate in the development of fire management plans which may include establishment of priorities for the control of wildfires and use of prescribed fires.
9. To consult on studies for additional wilderness designations and in development of regulations for management of wilderness areas on Service lands.
10. To resolve, at field office levels, all disagreements pertaining to the cooperative work of the two agencies which arise in the field and to refer all matters of disagreement that cannot be resolved at equivalent field levels to the Regional Director and to the Commissioner for resolution before either agency expresses its position in public.
11. To meet annually to discuss matters relating to the management of fish and wildlife resources on, or affected by, Service lands.
12. To develop such supplemental memoranda of understanding between the Commissioner and the Regional Director as may be required to implement the policies contained herein.
13. That the Master Memorandum of Understanding is subject to the availability of appropriated State and Federal funds.

14. That this Master Memorandum of Understanding establishes procedural guidelines by which the parties shall cooperate, but does not create legally enforceable obligations or rights.
15. That this Master Memorandum of Understanding shall become effective when signed by the Commissioner of the Alaska Department of Fish and Game and the Alaska Regional Director of the National Park Service and shall continue in force until terminated by either party by providing notice in writing 120 days in advance of the intended date of termination.
16. That amendments to this Master Memorandum of Understanding may be proposed by either party and shall become effective upon approval by both parties.

STATE OF ALASKA

Department of Fish and Game

By

Ronald O. Skoog
Ronald O. Skoog
Commissioner

Date

14 October 1982

U.S. DEPARTMENT OF THE INTERIOR

National Park Service

By

John E. Cook
John E. Cook
Regional Director, Alaska

Date

October 5, 1982

E: LAKE CLARK NATIONAL PARK SUBSISTENCE COMMISSION MEMBERS

LAKE CLARK NATIONAL PARK, REGION 2

Regional Council Nominations

George Faerber (Trapper Creek)

State Nominations

Wassie Balluta, Sr. (Iliamna)

Lary J. Hill (Iliamna)

Charles Hornberger (Iliamna)

Federal Nominations

Glen Alsworth (Port Alsworth)

John Branson (Port Alsworth)

Glen Van Valin (Port Alsworth)

LAKE CLARK NATIONAL PARK, REGION 3

Regional Council Nominations

Mike Delkittie (Nondalton)

Peter Trefon (Iliamna)

Sec. 808. (a) Within one year from the date of enactment of this Act, the Secretary and the Governor shall each appoint three members to a subsistence resources commission for each national park or park monument within which subsistence uses are permitted by this Act. The regional advisory council established pursuant to section 805 which has jurisdiction within the area in which the park or park monument is located shall appoint three members to the commission each of whom is a member of either the regional advisory council or a local advisory committee within the region and also engages in subsistence uses within the park or park monument. Within eighteen months from the date of enactment of this Act, each commission shall devise and recommend to the Secretary and the Governor a program for subsistence hunting within the park or park monument. Such program shall be prepared using technical information and other pertinent data assembled or produced by necessary field studies or investigations conducted jointly or separately by the technical and administrative personnel of the State and the Department of the Interior, information submitted by, and after consultation with the appropriate local advisory committees and regional advisory councils, and any testimony received in a public hearing or hearings held by the commission prior to preparation of the plan at a convenient location or locations in the vicinity of the park or park monument. Each year thereafter, the commission, after consultation with the appropriate local committees and regional councils, considering all relevant data and holding one or more additional hearings in the vicinity of the park or park monument, shall make recommendations to the Secretary and the Governor for any changes in the program or its implementation which the commission deems necessary.

(b) The Secretary shall promptly implement the program and recommendations submitted to him by each commission unless he finds in writing that such program or recommendations violates recognized principles of wildlife conservation, threatens the conservation of healthy populations of wildlife in the park or park monument, is contrary to the purposes for which the park or park monument is established, or would be detrimental to the satisfaction of subsistence needs of local residents. Upon notification by the Governor, the Secretary shall take no action on a submission of a commission for sixty days during which period he shall consider any proposed changes in the program or recommendations submitted by the commission which the Governor provides him.

(c) Pending the implementation of a program under subsection (a) of this section, the Secretary shall permit subsistence uses by local residents in accordance with the provisions of this title and other applicable Federal and State law.

Sec. 816. (a) All national parks and park monuments in Alaska shall be closed to the taking of wildlife except for subsistence uses to the extent specifically permitted by this Act. Subsistence uses and sport fishing shall be authorized in such areas by the Secretary and carried out in accordance with the requirements of this title and other applicable laws of the United States and the State of Alaska.

(b) Except as specifically provided otherwise by this section, nothing in this title is intended to enlarge or diminish the authority of the Secretary to designate areas where, and establish periods when, no taking of fish and wildlife shall be permitted on the public lands for reasons of public safety, administration, or to assure the continued viability of a particular fish or wildlife population. Notwithstanding any other provision of this Act or other law, the Secretary, after consultation with the State and adequate notice and public hearing, may temporarily close any public lands (including those within any conservation system unit), or any portion thereof, to subsistence uses of a particular fish or wildlife population only if necessary for reasons of public safety, administration, or to assure the continued viability of such population. If the Secretary determines that an emergency situation exists and that extraordinary measures must be taken for public safety or to assure the continued viability of a particular fish or wildlife population, the Secretary may immediately close the public lands, or any portion thereof, to the subsistence uses of such population and shall publish the reasons justifying the closure in the Federal Register. Such emergency closure shall be effective when made, shall not extend for a period exceeding sixty days, and may not subsequently be extended unless the Secretary affirmatively establishes, after notice and public hearing, that such closure should be extended.

SEC. 1303. (a) IMPROVED PROPERTY ON NATIONAL PARK SYSTEM LANDS.—

(1) On public lands within the boundaries of any unit of the National Park System created or enlarged by this Act, cabins or other structures existing prior to December 18, 1973, may be occupied and used by the claimant to these structures pursuant to a renewable, nontransferable permit. Such use and occupancy shall be for terms of five years each: *Provided*, That the claimant of the structure by application:

(A) Reasonably demonstrates by affidavit, bill of sale or other documentation, proof of possessory interest or right of occupancy in the cabin or structure;

(B) Submits a sketch or photograph of the cabin or structure and a map showing its geographic location;

(C) Agrees to vacate the cabin and to remove all personal property from the cabin or structure upon expiration of the permit; and

(D) Acknowledges in the permit that the applicant has no interest in the real property on which the cabin or structure is located.

(2) On public lands within the boundaries of any unit of the National Park System created or enlarged by this Act, cabins or other structures, the occupancy or use of which commenced between December 18, 1973, and December 1, 1978, may be used and occupied by the claimant of such structure pursuant to a nontransferable, nonrenewable permit. Such use and occupancy shall be for a maximum term of one year: *Provided, however*, That the claimant, by application:

(A) Reasonably demonstrates by affidavit, bill of sale, or other documentation proof of possessory interest or right of occupancy in the cabin or structure;

(B) Submits a sketch or photograph of the cabin or structure and a map showing its geographic location;

(C) Agrees to vacate the cabin or structure and to remove all personal property from it upon expiration of the permit; and

(D) Acknowledges in the permit that the applicant has no legal interest in the real property on which the cabin or structure is located.

The Secretary may, on a case by case basis, subject to reasonable regulations, extend such permit term beyond one year for such reasons as the Secretary deems equitable and just.

(3) Cabins or other structures not under permit as specified herein shall be used only for official government business: *Provided, however*, That during emergencies involving the safety of human life or where designated for public use by the Secretary, these cabins may be used by the general public.

(4) The Secretary may issue a permit under such conditions as he may prescribe for the temporary use, occupancy, construction and maintenance of new cabins or other structures if he determines that the use is necessary to reasonably accommodate subsistence uses or is otherwise authorized by law.

(b) IMPROVED PROPERTY ON OTHER UNITS OR AREAS ESTABLISHED OR EXPANDED BY THIS ACT.—The following conditions shall apply regarding the construction, use and occupancy of cabins and related

structures on Federal lands within conservation system units or areas not provided for in subsection (a) of this section:

(1) The construction of new cabins is prohibited except as may be authorized pursuant to a nontransferable, five-year special use permit issued by the Secretary. Such special use permit shall only be issued upon a determination that the proposed use, construction, and maintenance of a cabin is compatible with the purposes for which the unit or area was established and that the use of the cabin is either directly related to the administration of the unit or area or is necessary to provide for a continuation of an ongoing activity or use otherwise allowed within the unit or area where the permit applicant has no reasonable alternative site for constructing a cabin. No special use permit shall be issued to authorize the construction of a cabin for private recreational use.

(2) Traditional and customary uses of existing cabins and related structures on Federal lands within a unit or area may be allowed to continue in accordance with a nontransferable, renewable five-year special use permit issued by the Secretary. Such special use permit shall be issued only upon a determination that the traditional and customary uses are compatible with the purposes for which the unit or area was established. No special use permits shall be issued to authorize the use of an existing cabin constructed for private recreational use.

(3) No special use permit shall be issued under subsections (b) (1) or (2) unless the permit applicant:

(A) In the case of existing cabins or structures, reasonably demonstrates by affidavit, bill of sale or other documentation, proof of possessory interests or right of occupancy in the cabin or structure;

(B) Submits a sketch or photograph of the existing or proposed cabin or structure and a map showing its geographic location;

(C) Agrees to vacate the cabin or structure and remove, within a reasonable time period established by the Secretary, all personal property from it upon nonrenewal or revocation of the permit; and

(D) Acknowledges in the permit application that the applicant has no interest in the real property on which the cabin or structure is located or will be constructed.

(4) The United States shall retain ownership of all new cabins and related structures on Federal lands within a unit or area specified in this subsection, and no proprietary rights or privileges shall be conveyed through the issuance of the special use permit authorized by paragraphs (1) or (2) of this subsection. Cabins or other structures not under permit shall be used only for official Government business: *Provided, however*, That during emergencies involving the safety of human life or where designated for public use by the unit or area manager, such cabins may be used by the general public.

(c) PERMITS TO BE RENEWED FOR LIFE OF CLAIMANT AND IMMEDIATE FAMILY.—

(1) Whenever issuance of a nontransferable renewable five-year special use permit is authorized by subsections (a) or (b) of this section, said permit shall be renewed every five years until the death of the last immediate family member of the claimant residing in the cabin or structure, or unless the Secretary has revoked the special use permit in accordance with the criteria established in this section.

(2) Notwithstanding any other provision of this section, the Secretary, after notice and hearing, may revoke a permit provided for in this section if he determines, on the basis of substantial evidence in the administrative record as a whole, that the use under the permit is causing or may cause significant detriment to the principal purposes for which the unit was established.

(d) EXISTING CABIN LEASES OR PERMITS.—Nothing in this Act shall preclude the renewal or continuation of valid leases or permits in effect on the date of enactment of this Act for cabins, homesites, or similar structures on Federal lands. Unless the Secretary, or in the case of national forest lands, the Secretary of Agriculture, issues specific findings following notice and an opportunity for the leaseholder or permittee to respond, that renewal or continuation of such valid permit or lease constitutes a direct threat to or a significant impairment to the purposes for which a conservation system unit was established (in the case of a structure located within a conservation system unit) or the public domain or national forest (in case of a structure located outside conservation system units), he shall renew such valid leases or permits upon their expiration in accordance with the provisions of the original lease or permit, subject to such reasonable regulations as he may prescribe. Subject to the provisions of the original lease or permit, nothing in this Act or subsection shall necessarily preclude the appropriate Secretary from transferring such a lease or permit to another person at the election or death of the original permittee or leasee.

Sec. 1110. (a) Notwithstanding any other provision of this Act or other law, the Secretary shall permit, on conservation system units, national recreation areas, and national conservation areas, and those public lands designated as wilderness study, the use of snowmachines (during periods of adequate snow cover, or frozen river conditions in the case of wild and scenic rivers), motorboats, airplanes, and nonmotorized surface transportation methods for traditional activities (where such activities are permitted by this Act or other law) and for travel to and from villages and homesites. Such use shall be subject to reasonable regulations by the Secretary to protect the natural and other values of the conservation system units, national recreation areas, and national conservation areas, and shall not be prohibited unless, after notice and hearing in the vicinity of the affected unit or area, the Secretary finds that such use would be detrimental to the resource values of the unit or area. Nothing in this section shall be construed as prohibiting the use of other methods of transportation for such travel and activities on conservation system lands where such use is permitted by this Act or other law.

(b) Notwithstanding any other provisions of this Act or other law, in any case in which State owned or privately owned land, including subsurface rights of such owners underlying public lands, or a valid mining claim or other valid occupancy is within or is effectively surrounded by one or more conservation system units, national recreation areas, national conservation areas, or those public lands designated as wilderness study, the State or private owner or occupier shall be given by the Secretary such rights as may be necessary to assure adequate and feasible access for economic and other purposes to the concerned land by such State or private owner or occupier and their successors in interest. Such rights shall be subject to reasonable regulations issued by the Secretary to protect the natural and other values of such lands.

Sec. 1111. (a) IN GENERAL.—Notwithstanding any other provision of this Act or other law the Secretary shall authorize and permit temporary access by the State or a private landowner to or across any conservation system unit, national recreation area, national conservation area, the National Petroleum Reserve—Alaska or those public lands designated as wilderness study or managed to maintain the wilderness character or potential thereof, in order to permit the State or private landowner access to its land for purposes of survey, geophysical, exploratory, or other temporary uses thereof whenever he determines such access will not result in permanent harm to the resources of such unit, area, Reserve or lands.

(b) STIPULATIONS AND CONDITIONS.—In providing temporary access pursuant to subsection (a), the Secretary may include such stipulations and conditions he deems necessary to insure that the private use of public lands is accomplished in a manner that is not inconsistent with the purposes for which the public lands are reserved and which insures that no permanent harm will result to the resources of the unit, area, Reserve or lands.

Section 201(7): Lake Clark National Park, Lake Clark National Preserve

Lake Clark National Park and Lake Clark National Preserve are established to protect and interpret a region of highly diverse resources, containing outstanding examples of Alaska's finest natural and recreational values, available within an hour's air flight time of Anchorage, the State's major population center.

The 3,653,000 acre area straddles both the Alaska and Aleutian Mountain Ranges. On the south end is Lake Clark, 50 miles in length, on the north is rugged Merrill Pass, and to the west is a series of glacier-created lakes, frequently referred to as the Switzerland of Alaska, the region is large, intricate, and mostly unexplored, and contains a wide spectrum of outdoor recreational opportunities. National Park Service studies of the Lake Clark region began in the early 1950's, and several bills have been introduced to create a national park in this area.

Lake Clark National Park contains about 2,439,000 acres of public lands and the Preserve encompasses approximately 1,214,000 acres of public lands.

Mountains, lakes, rivers, and woodlands support a diverse range of fish and wildlife populations, and offer varied recreation and educational opportunities. Scores of waterfalls cascade down mountain slopes. Numerous valleys weave through a jumble of mountain peaks, often meeting other drainages in low passes, resulting in a maze of natural hiking and climbing routes. These routes permit access to a spectacular mountain environment where two major mountain ranges intersect in a medley of rugged spires, glaciers, waterfalls, and volcanoes. Two active volcanoes, Mount Redoubt and Mount Iliamna have been added to the National Registry of Natural Landmarks, and Lake Clark Pass has been recommended for natural landmark status for its glacial phenomena. The still-smoking volcanoes are excellent examples of the geologic forces that continue to shape much of Alaska's skyline. Immediately west of the Chigmit Mountains is a string of beautiful turquoise-colored lakes nestled against the mountain flanks.

Vegetation and wildlife are as diverse as the topography. Brown and black bear, trout, moose, salmon and Dall sheep can be found within the area. The Mulchatna caribou herd feeds and calves on the tundra plains and hills in the western portion of the park/preserve. Plant communities range from the Cook Inlet coastal lowlands of spruce, marshes, and swamps to the alpine meadows and lichen growth of the mountainous areas and include the southernmost known inholding of the arctic tundra biome. The foothills region west of the lake country supports a complex of many small lakes, ponds, and marshes that along with the tundra supplies a varied habitat for caribou moose, waterfowl, and fish. Marine life such as harbor seals, Beluga whales, and otters can be observed feeding near the river mouths along the Cook Inlet coast. The area includes a headwaters portion of the Iliamna-Kvichak watershed—an extremely important part of the world famous Bristol Bay red-sockeye salmon fishery.

Portions of the unit have been selected by the Nondalton village corporation and the Cook Inlet regional corporation. The Cook Inlet land exchange, endorsed by the 94th Congress in Public Law 94-204, as amended, set the land ownership pattern in the Cook Inlet region and will not be altered by this legislation. Pursuant to the land exchange regional deficiency selections in the southern portion of the area will remain in Federal ownership for the purposes of including them within the Lake Clark National Park/Preserve. The Committee also included the Cook Inlet village selection lands along the Cook Inlet coast, which are also part of the Cook Inlet exchange. That agreement stipulated that the Natives supported the inclusion of their lands within the park. The Cook Inlet exchange is not affected or in any way modified by the action of the Committee in establishing this area.

The Committee agreed with the House that the Tazimina Lakes and the lower end of the Lake Clark should be included within the unit. The Committee noted that these lands are, in fact, within the boundaries of the Bristol Bay Regional Corporation and were not part of the Cook Inlet exchange. Some scattered native ownership remains within this portion of the area. This addition to the Administration's proposed boundary will provide protection for important recreation resources, critical salmon spawning grounds and the lower end of Lake Clark which is integral to the park. The Committee made a minor boundary adjustment which served to exclude the village of Nondalton from the preserve. By excluding Six Mile Lake, the Committee adopted a natural boundary that included the important natural features that relate to the park, while leaving out the village site itself and its associated developments. The village of Nondalton, is located on the periphery of the Lake Clark Preserve, and its inclusion is not essential for the protection of natural and cultural values. The Committee also adopted an amendment which excludes those lands conveyed to the Village of Nondalton from the preserve. This amendment does not change the boundary of the preserve but provides that the lands which the village receives pursuant to ANSCA which are not part of the village proper shall not be treated as inholdings.

The Committee agreed to the exclusion of existing state selected lands. These occur generally in three locations. The Chilikadrotna-Mulchatna watersheds are on the western edge of the proposal. The Committee recognizes that these two rivers are nationally significant and their environment would add a desirable contrasting lowland section to the preserve. The Chilikadrotna may be second only to the Charley River in quality in Alaska. The Committee expects and encourages the Secretary to seek land exchanges with the state which would bring these lands into the National Park System. The Committee has recognized these state lands as a "potential addition" and they are so indicated on the official boundary maps. If at any time in the future the Secretary acquires any contiguous lands within the potential addition they shall automatically become a part of the national preserve.

The Stony River watershed is located in the northwest corner of the preserve and is mostly selected by the state of Alaska. The Committee felt that since most of the lands within the watershed are state selected, the watershed should be deleted from the park system unit. The Committee did not authorize the Secretary to add these lands to the preserve should they be acquired. Rather the Committee recommends that the following Federal lands which are within the park/preserve be traded to the state of Alaska for an equivalent acreage in the Chilikadrotna-Mulchatna area :

Seward Meridian

T. 16 N R. 21-23 W—(Those portions outside the Chilligan River watershed) ;

T. 15 N R. 23 W—(That portion in the Stony River Watershed and outside the Necons River watershed) ;

T. 14 N R. 24 W—(That portion in the Stony River watershed and outside the Necons River watershed) ;

T. 13 N R. 25—Section 1-11, 15-22, 27-30 (Those portions in the Stony River watershed and outside the Necons River watershed);

T. 13 N R. 26 W—All;

T. 12 N R. 26 W—Sections 4-8, 18-19, 30-31;

T. 11 N R. 27 W—Sections 1-12, 14-21, 29-30;

T. 11 N R. 28 W—Section 1-30, S.M.

The accomplishment of an exchange in this area would leave the State of Alaska with most of the Stony River watershed and a complete management unit under the control of the State. This trade would also add to the National Preserve some critical lands to the west in the vicinity of the Bonanza Hills and the Chilikadrotna-Mulchatna watersheds.

The third area of State selection lands that the Committee deleted was in the northeast portion of the area in the Chakachammina Lake area. Under the provisions of the 1972 Federal-State agreement, the State of Alaska was granted priority selection rights in this area. The Committee is aware, however, that these lands have high potential for exchange. The lands in question possess important park and recreation values, including the features associated with Chakachammina Lake and Mt. Spur Volcano. The Committee recommends that this area, like the Chilikadrotna-Mulchatna be automatically added to the Park System, in this case as a park, should the lands be acquired by the Federal Government. Any of the lands within this potential addition that are not transferred to State of Alaska ownership, or are acquired at a later date are to be added automatically to the park. The lands to which this provision applies to are delineated on the official boundary map as "potential additions." The Secretary is also encouraged to enter into cooperative management agreements with the State for this area to insure the protection of national significant natural values. Another smaller area of potential for exchange of lands is at the eastern entrance to Lake Clark Pass.

The Lake Clark National Park and Preserve is to be managed as a natural area of the National Park System. Existing subsistence uses shall continue within the preserve, but not in the park. The preserve is to be managed the same as the national park except that hunting, trapping, and subsistence uses may be permitted.

K: LODGES IN LAKE CLARK NATIONAL PARK AND PRESERVE
HAVING A COMMERCIAL USE LICENSE

Lake Clark

The Farm
Koksetna Camp
Lakeside Lodge
Osprey Lodge
Alaska's Wilderness Lodge
Fishing Unlimited
Van Valins Island Lodge

Coast

Haeg's Wilderness Home
Silver Salmon Lodge

Interior

Little Mulchatna Lodge

Sec. 1302. (a) GENERAL AUTHORITY.—Except as provided in subsections (b) and (c) of this section, the Secretary is authorized, consistent with other applicable law in order to carry out the purposes of this Act, to acquire by purchase, donation, exchange, or otherwise any lands within the boundaries of any conservation system unit other than National Forest Wilderness.

(b) RESTRICTIONS.—Lands located within the boundaries of a conservation system unit which are owned by—

- (A) the State or a political subdivision of the State;
- (B) a Native Corporation or Native Group which has Natives as a majority of its stockholders;
- (C) the actual occupant of a tract, title to the surface estate of which was on, before, or after the date of enactment of this Act conveyed to such occupant pursuant to subsections 14(c)(1) and 14(h)(5) of the Alaska Native Claims Settlement Act, unless the Secretary determines that the tract is no longer occupied for the purpose described in subsections 14(c)(1) or 14(h)(5) for which the tract was conveyed and that activities on the tract are or will be detrimental to the purposes of the unit in which the tract is located; or

(D) a spouse or lineal descendant of the actual occupant of a tract described in subparagraph (C), unless the Secretary determines that activities on the tract are or will be detrimental to the purposes of the unit in which the tract is located—
may not be acquired by the Secretary without the consent of the owner.

(c) EXCHANGES.—Lands located within the boundaries of a conservation system unit (other than National Forest Wilderness) which are owned by persons or entities other than those described in subsection (b) of this section shall not be acquired by the Secretary without the consent of the owner unless prior to final judgment on the value of the acquired land, the owner, after being offered appropriate land of similar characteristics and like value (if such land is available from public lands located outside the boundaries of any conservation system unit), chooses not to accept the exchange. In identifying public lands for exchange pursuant to this subsection, the Secretary shall consult with the Alaska Land Use Council.

(d) IMPROVED PROPERTY.—No improved property shall be acquired under subsection (a) without the consent of the owner unless the Secretary first determines that such acquisition is necessary to the fulfillment of the purposes of this Act or to the fulfillment of the purposes for which the concerned conservation system unit was established or expanded.

(e) RETAINED RIGHTS.—The owner of an improved property on the date of its acquisition, as a condition of such acquisition, may retain for himself, his heirs and assigns, a right of use and occupancy of the improved property for noncommercial residential or recreational purposes, as the case may be, for a definite term of not more than twenty five years, or in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless the property is wholly or partially donated, the Secretary shall pay to the owner the fair market value of the owner's interest in the property on the date of its acquisition, less the fair market value on that date of the right retained by the owner. A right retained by the owner pursuant to this section shall be subject to termination by the Secretary upon his

determination that such right is being exercised in a manner inconsistent with the purposes of this Act, and it shall terminate by operation of law upon notification by the Secretary to the holder of the right of such determination and tendering to him the amount equal to the fair market value of that portion which remains unexpired.

(f) DEFINITION.—For the purposes of this section, the term "improved property" means—

(1) a detached single family dwelling, the construction of which was begun before January 1, 1980 (hereinafter referred to as the "dwelling"), together with the land on which the dwelling is situated to the extent that such land—

(A) is in the same ownership as the dwelling or is Federal land on which entry was legal and proper, and

(B) is designated by the Secretary to be necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures necessary to the dwelling which are situated on the land so designated; or

(2) property developed for noncommercial recreational uses, together with any structures accessory thereto which were so used on or before January 1, 1980, to the extent that entry onto such property was legal and proper.

In determining when and to what extent a property is to be considered an "improved property", the Secretary shall take into consideration the manner of use of such buildings and lands prior to January 1, 1980, and shall designate such lands as are reasonably necessary for the continued enjoyment of the property in the same manner and to the same extent as existed before such date.

(g) CONSIDERATION OF HARDSHIP.—The Secretary shall give prompt and careful consideration to any offer made by the owner of any property within a conservation system unit to sell such property, if such owner notifies the Secretary that the continued ownership is causing, or would result in, undue hardship.

(h) EXCHANGE AUTHORITY.—Notwithstanding any other provision of law, in acquiring lands for the purposes of this Act, the Secretary is authorized to exchange lands (including lands within conservation system units and within the National Forest System) or interests therein (including Native selection rights) with the corporations organized by the Native Groups, Village Corporations, Regional Corporations, and the Urban Corporations, and other municipalities and corporations or individuals, the State (acting free of the restrictions of section 6(i) of the Alaska Statehood Act), or any Federal agency. Exchanges shall be on the basis of equal value, and either party to the exchange may pay or accept cash in order to equalize the value of the property exchanged, except that if the parties agree to an exchange and the Secretary determines it is in the public interest, such exchange may be made for other than equal value.

(1) The Secretary is authorized to acquire by donation or exchange, lands (A) which are contiguous to any conservation system unit established or expanded by this Act, and (B) which are owned or validly selected by the State of Alaska.

(2) Any such lands so acquired shall become a part of such conservation system unit.

SEC. 907. (a) ESTABLISHMENT AGREEMENTS.—(1) In order to enhance the quantity and quality of Alaska's renewable resources and to facilitate the coordinated management and protection of Federal, State, and Native and other private lands, there is hereby established the Alaska Land Bank Program. Any private landowner is authorized as provided in this section to enter into a written agreement with the Secretary if his lands adjoin, or his use of such lands would directly affect, Federal land, Federal and State land, or State land if the State is not participating in the program. Any private landowner described in subsection (c)(2) whose lands do not adjoin, or whose use of such lands would not directly affect either Federal or State lands also is entitled to enter into an agreement with the Secretary. Any private landowner whose lands adjoin, or whose use of such lands would directly affect, only State, or State and private lands, is authorized as provided in this section to enter into an agreement with the State of Alaska if the State is participating in the program. If the Secretary is the contracting party with the private landowner, he shall afford the State an opportunity to participate in negotiations and become a party to the agreement. An agreement may include all or part of the lands of any private landowner. *Provided*, That lands not owned by landowners described in subsection (c)(2) shall not be included in the agreement unless the Secretary, or the State, determines that the purposes of the program will be promoted by their inclusion.

(2) If a private landowner consents to the inclusion in an agreement of the stipulations provided in subsections (b)(1), (b)(2), (b)(4), (b)(5), and (b)(7), and if such owner does not insist on any additional terms which are unacceptable to the Secretary or the State, as appropriate, the owner shall be entitled to enter into an agreement pursuant to this section. If an agreement is not executed within one hundred and twenty days of the date on which a private landowner communicates in writing his consent to the stipulations referred to in the preceding sentence, the appropriate Secretary or State agency head shall execute an agreement. Upon such execution, the private owner shall receive the benefits provided in subsection (c) hereof.

(3) No agreement under this section shall be construed as affecting any land, or any right or interest in land, of any owner not a party to such agreement.

(b) TERMS OF AGREEMENT.—Each agreement referred to in subsection (a) shall have an initial term of ten years, with provisions, if any, for renewal for additional periods of five years. Such agreement shall contain the following terms:

(1) The landowner shall not alienate, transfer, assign, mortgage, or pledge the lands subject to the agreement except as provided in section 14(c) of the Alaska Native Claims Settlement Act, or permit development or improvement on such lands except as provided in the agreement. For the purposes of this section only, each agreement entered into with a landowner described in subsection (c)(2) shall constitute a restriction against alienation imposed by the United States upon the lands subject to the agreement.

(2) Lands subject to the agreement shall be managed by the owner in a manner compatible with the management plan, if any, for the adjoining Federal or State lands, and with the requirements of this subsection. If lands subject to the agreement do not adjoin either Federal or State lands, they shall be managed in a manner compatible with the management plan, if any, of Federal or State lands which would be directly affected by the use of such private lands. If no such plan has been adopted, or if the use of such private lands would not directly affect either Federal or State lands, the owner shall manage such lands in accordance with the provisions in paragraph (1) of this subsection. Except as provided in (3) of this subsection, nothing in this section or the management plan of any Federal or State agency shall be construed to require a private landowner to grant public access on or across his lands.

(3) If the surface landowner so consents, such lands may be made available for local or other recreational use. *Provided*, That the refusal of a private landowner to permit the use referred to in this subsection shall not be grounds for the refusal of the Secretary or the State to enter into an agreement with the landowner under this section.

(4) Appropriate Federal and/or State agency heads shall have reasonable access to such privately owned land for purposes relating to the administration of the adjoining Federal or State lands, and to carry out their obligations under the agreement.

(5) Reasonable access to such land by officers of the State shall be permitted for purposes of conserving fish and wildlife.

(6) Those services or other consideration which the appropriate Secretary or the State shall provide to the owner pursuant to subsection (c)(1) shall be set forth.

(7) All or part of the lands subject to the agreement may be withdrawn from the Alaska land bank program not earlier than ninety days after the landowner—

(A) submits written notice thereof to the other parties which are signatory to the agreement; and

(B) pays all Federal, State and local property taxes and assessments which, during the particular term then in effect, would have been incurred except for the agreement, together with interest on such taxes and assessments in an amount to be determined at the highest rate of interest charged with respect to delinquent property taxes by the Federal, State or local taxing authority, if any.

(8) The agreement may contain such additional terms, which are consistent with the provisions of this section, as seem desirable to the parties entering into the agreement: *Provided*, That the refusal of the landowner to agree to any additional terms shall not be grounds for the refusal of the Secretary or the State to enter into an agreement with the landowner under this section.

(c) **BENEFITS TO PRIVATE LANDOWNERS.**—So long as the landowner is in compliance with the agreement, he shall, as to lands encompassed by the agreement, be entitled to the benefits set forth below:

(1) In addition to any requirement of applicable law, the appropriate Secretary is authorized to provide technical and other assistance with respect to fire control, trespass control, resource and land use planning, the management of fish and wildlife, and the protection, maintenance, and enhancement of any special values of the land subject to the agreement, all with or without reimbursement as agreed upon by the parties.

(2) As to Native Corporations and all other persons or groups that have received or will receive lands or interests therein pursuant to the Alaska Native Claims Settlement Act or sections 301 and 902 of this title, immunity from—

(A) adverse possession;

(B) real property taxes and assessments by the United States, the State, or any political subdivision of the State: *Provided*, That such immunity shall cease if the lands involved are leased or developed, as such terms are used in section 21(d) of the Alaska Native Claims Settlement Act;

(C) judgment in any action at law or equity to recover sums owed or penalties incurred by any Native Corporation or Native Group or any officer, director, or stockholder of any such Corporation or Group. On or before January 31 of each year beginning the fourth year after the date of enactment of this Act, the Secretary shall publish in the Federal Register and in at least three newspapers of general circulation in the State the percentage of conveyed land entitlement which each Native Corporation or Group has elected to include in the Alaska Land Bank Program as of the end of the preceding year.

(3) If the State enacts laws of general applicability which are consistent with this section and which offer any or all of the benefits provided in subsection (c)(2) hereof, as to private landowners who enter into an agreement referred to in subsection (a) to which agreement the State is a party, such laws, unless and until repealed, shall supersede the relevant subparagraph of subsection (c)(2) and shall govern the grant of the benefit so provided: *Provided*, That the enactment of such State laws shall not be construed as repealing, modifying, or otherwise affecting the applicability of the immunity from Federal real property taxes and assessments provided in subsection (c)(2)(B) or the immunity from judgments in any Federal action at law or equity provided in subsections (c)(2)(C).

(4)(A) Except as provided in subsection (c)(2), nothing in this section shall be construed as affecting the civil or criminal jurisdiction of the State of Alaska.

(B) Privately owned lands included in the Alaska Land Bank Program shall be subject to condemnation for public purposes in accordance with the provisions of this Act and other applicable law.

(d) **INTERIM GRANT OF BENEFITS.**—Notwithstanding any other provision of this section, unless the landowner decides otherwise, the benefits specified in subsection (c)(2) shall apply to lands conveyed pursuant to the Alaska Native Claims Settlement Act, or sections 901 and 902 of this title for a period of three years from the date of conveyance or the date of enactment of this Act, whichever is later: *Provided*, That this subsection shall not apply to any lands which on the date of enactment of this Act are the subject of a mortgage, pledge or other encumbrance.

(e) **LIVELYHOOD SHARING, FIRE PROTECTION, ETC.**—The provisions of section 21(e) of the Alaska Native Claims Settlement Act shall apply to all lands which are subject to an agreement under this section so long as the parties to the agreement are in compliance therewith.

(f) **EXISTING CONTRACTS.**—Nothing in this section shall be construed as impairing, or otherwise affecting in any manner, any contract or other obligation which was entered into prior to the enactment of this Act or which (1) applies to any land which is subject to an agreement, and (2) was entered into before the agreement becomes effective.

Sec. 1416. (a) Congress finds that the individual Natives enrolled to Port Alsworth are enrolled at large in the Bristol Bay Native Corporation. The roll prepared by the Secretary shall be determinative of this fact and such enrollment shall be final.

(b) The individual Natives enrolled to Port Alsworth have formed a group corporation which shall hereafter be referred to as Tanalian Incorporated. The benefits bestowed by this section upon those Natives shall accrue to such group corporation, regardless of its name.

(c) If Tanalian Incorporated is certified as a group under the Alaska Native Claims Settlement Act, Tanalian Incorporated shall be entitled to make selections in accordance with subsection (d) hereof.

(d)(1) Tanalian Incorporated if certified shall be entitled to make selections of the surface estate of public lands as that term is described in section 3(e) of the Alaska Native Claims Settlement Act from the following described lands, except it may not select any land of Power Site Reserve 485 (the Kontashubuna Power Site), land acquired by the United States after January 1, 1979, or land subject to a valid existing right, in the amount agreed to by Bristol Bay Native Corporation (not to exceed 320 acres per person or 2,240 acres, whichever is less) and charged against Bristol Bay Native Corporation's rights to select under section 14(h) as provided for in 43 CFR 2653.1(b):

Seward Meridian

Township 1 north, Range 29 west, sections 3, 4, 5, 8, 9, 10, 16, 17, 18, 19, 20, and 21.

(2) If Tanalian Incorporated is certified as a group, the Secretary shall give written notice within sixty days of such certification to Bristol Bay Native Corporation.

(3) If such notice is given, Bristol Bay Native Corporation shall, within sixty days thereafter, give written notice to the Secretary and Tanalian Incorporated as to the amount of acreage Tanalian Incorporated may select.

(4) Within one hundred and eighty days after receipt of such notice, Tanalian Incorporated may select, pursuant to section 14(h)(2) of the Alaska Native Claims Settlement Act, the lands withdrawn pursuant to subsection (d)(1).

(5) Within one hundred and eighty days after Tanalian Incorporated makes selections in accordance with subsection (d)(1) hereof, Bristol Bay Native Corporation may select subject to any valid existing right an amount of subsurface estate from public lands as defined in the Alaska Native Claims Settlement Act previously withdrawn under sections 11(a)(1) or 11(a)(3) of the Alaska Native Claims Settlement Act within its boundaries equal to the surface estate entitlement of Tanalian Incorporated. Bristol Bay Native Corporation will forego in lieu subsurface selections in that portion of the Nondalton withdrawal area which falls within the Lake Clark Preserve. Selections made by Bristol Bay Native Corporation shall have priority over any selections made by the State after December 18, 1975. Such subsurface selections shall be in a single contiguous and reasonably compact tract and the exterior boundaries of such selections shall be in conformity with the public lands survey system.

(e) If there is any conflict between selections made by Tanalian Incorporated pursuant to this section and valid Cook Inlet Region, Incorporated or Cook Inlet Region Village selections, the selections of Cook Inlet Region, Incorporated or the Cook Inlet Region Village shall prevail.

(f) The Secretary shall convey to Tanalian Incorporated and to Bristol Bay Native Corporation the surface and subsurface estate, respectively, of the acreage selected by the corporation pursuant to this section.

(g) Nothing contained in this section, or done pursuant to authorizations made by this section, shall alter or affect the acreage entitlements of Cook Inlet Region, Incorporated, or Bristol Bay Native Corporation pursuant to section 12(c) of the Alaska Native Claims Settlement Act nor the boundaries of Cook Inlet Region, Incorporated or Bristol Bay Native Corporation, respectively.



State Co-Chairman
Bill Sheffield
Governor

ALASKA LAND USE COUNCIL

P.O. Box 100120
Anchorage, Alaska 99510

(907) 272-3422



Federal Co-Chairman
Vernon R. Wiggins

June 1, 1984

The Honorable William P. Clark
Secretary of the Interior
18th & C Streets, NW
Washington, D.C. 20240

Dear Mr. Secretary:

The Alaska Land Use Council on May 23, 1984, unanimously adopted a motion endorsing the General Management Plans for the Lake Clark and Glacier Bay National Parks and Preserves, Alaska.

Enclosed for your information is a copy of the letter to the Council from Robert L. Grogan, Cochairman Designee, State of Alaska, supporting the Council's endorsements.

Sincerely,

Bill Sheffield
Bill Sheffield
Governor, State of Alaska
State Cochairman

Vernon R. Wiggins
Vernon R. Wiggins
Federal Cochairman

Enclosures

cc: Wm. Horn, DUS
R. Dickenson, NPS
R. Davidge
Council Members

NATIONAL PARK SERVICE
FINDING OF NO SIGNIFICANT IMPACT

The National Park Service has prepared an environmental assessment addressing the environmental impact of the general management plan for Lake Clark National Park and Preserve. The environmental assessment, to which this Finding of No Significant Impact is attached, has been reviewed resulting in the following conclusions.

The proposed action would have no adverse effect on endangered or threatened species; floodplains or wetlands; or Alaska's coastal zone management program. No significant impact is expected to soils, water, wildlife, or vegetation.

After careful and thorough review and consideration of the facts contained in the environmental assessment for the proposed project, I find that the proposed federal action will not significantly affect the quality of the human environment under National Environmental Policy Act, Section 102(2)(c) and therefore an environmental impact statement is not required.

/s/ Robert Peterson
Acting Regional Director, Alaska Region

8/7/84
Date

PLANNING TEAM

Paul Haertel, Superintendent, Lake Clark National Park and Preserve

Donald Humphrey, Chief of Park Planning and Special Studies,
Washington Office

Linda Nebel, Chief of Planning and Recreation, Alaska Regional Office



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United States Department of the Interior

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As the Nation's principal conservation agency, the Department of the Interior has basic responsibilities to protect and conserve our land and water, energy and minerals, fish and wildlife, parks and recreation areas, and to ensure the wise use of all these resources. The Department also has major responsibility for American Indian reservation communities and for people who live in island territories under U.S. administration. NPS D-10





